

# PLANNING LAWS

- housing
- urban planning assistance
- community facilities
- urban renewal

*... a comparative digest of state statutes  
for community, county, region, and state planning  
through December 1957*

Second Edition



**Housing and Home Finance Agency**

Office of the Administrator

• Office of General Counsel

COMPARATIVE ANALYSIS OF THE PRINCIPAL PROVISIONS OF STATE URBAN PLANNING LAWS RELATING TO HOUSING, SLUM CLEARANCE, AND URBAN REDEVELOPMENT

States	Planning agency may be established by and prepare and adopt a comprehensive community plan for	Municipal planning may include areas beyond corporate limits	Comprehensive community plan is to be finally adopted by city council or other local legislative body	County and regional planning activities are also authorized for	Comprehensive community plan may include plans or recommendations for—										
					Land use	Population density	Belt, height, area and use of structures	Detailed plans for specific areas	Replanning of blighted and slum areas	Location of—					
										Neighborhood units	Streets and highways	Transportation facilities	Public utilities	Public structures	Parks, recreational facilities
I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV	XVI
Alabama	Any city, town, or village	Specified		County, Region	Specified	Specified	Specified		Specified	Implied	Specified	Specified	Specified	Specified	Specified
Alaska	Any 1st class city				Implied	Implied				Implied	Specified	Implied	Implied	Specified	Specified
Arkansas	Any 1st or 2d class city	Specified		County, Region	Specified	Specified	Specified			Implied	Specified	Implied	Implied	Specified	Specified
California	Any city	Specified	Specified	County, Region	Specified	Specified	Specified	Specified	Implied	Implied	Specified	Specified	Specified	Specified	Specified
Colorado	Any city, town, or village	Specified	Specified	County, Region	Specified	Specified	Specified		Implied	Specified	Specified	Specified	Specified	Specified	Specified
Connecticut	Any city, town, or borough			Region	Specified	Specified			Implied	Implied	Specified	Specified	Specified	Specified	Specified
Delaware	Any city or town			County	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified
District of Columbia	District of Columbia	Specified		Region	Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified
Georgia	Any city			County, Region		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Hawaii	Honolulu	Specified		County	Specified	Implied	Implied		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Idaho	Any city or village		Specified	County, Region	Specified	Specified	Specified		Implied	Implied	Specified	Implied	Implied	Specified	Specified
Illinois	Any city, town, or village	Specified	Specified	County, Region		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Indiana	Any city or town	Specified	Specified	County, Region	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified
Iowa	Any city or town	Specified	Specified	County		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Kansas	Certain cities	Specified	Specified	County, Region	Specified	Specified	Specified		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Kentucky	Any other city	Specified	Implied	County					Implied	Implied	Specified	Specified	Specified	Specified	Specified
	Louisville	Specified	Specified	County, Region	Specified	Specified	Specified		Implied	Specified	Specified	Specified	Specified	Specified	Specified
	Any 2d class city	Specified	Specified	County, Region	Specified	Specified	Specified		Implied	Specified	Specified	Specified	Specified	Specified	Specified
	Certain cities			County, Region	Specified	Specified	Specified		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Louisiana	Any city, town, or village	Specified	Implied	County, Region	Specified	Specified	Specified		Specified	Implied	Specified	Specified	Specified	Specified	Specified
Maine	Any city, town, or village			Region	Specified	Specified	Specified		Specified	Implied	Specified	Specified	Specified	Specified	Specified
Maryland	Any city, town, or village	Specified		County	Specified	Specified	Specified		Specified	Specified	Specified	Implied	Implied	Implied	Specified
Massachusetts	Any city or town (Boston excepted)			Region	Implied	Implied	Implied		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Michigan	Any city, village, or township	Specified		County, Region	Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified
Minnesota	Certain cities, towns, and villages	Specified	Specified	County, Region	Implied	Implied	Implied		Specified	Implied	Specified	Specified	Specified	Specified	Specified
Mississippi	Any city		Specified	County		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Montana	Any city or town			County	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified	Specified
Nebraska	Any city or village	Specified				SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Nevada	Any city	Specified	Specified	County, Region	Specified	Specified	Implied		Implied	Specified	Specified	Specified	Specified	Specified	Specified
New Hampshire	Any city, town, or village	Specified		Region	Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified
New Jersey	Any city, town, or village	Specified		County, Region	Specified	Specified			Specified	Specified	Specified	Specified	Specified	Specified	Specified
New Mexico	Any city, town, or village	Specified							Specified	Implied	Specified	Specified	Specified	Specified	Specified
New York	Any city, town, or village	Specified		County, Region	Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified
North Carolina	Any city or town		Specified	County, Region		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
North Dakota	Any city, town, or village	Specified	Specified		Implied	Specified	Implied		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Ohio	Any city or village	Specified		County, Region	Specified	Specified	Specified		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Oklahoma	Any city or town			County, Region		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Oregon	Any city or town	Specified	Implied	County	Specified	Specified	Specified		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Pennsylvania	Certain cities	Specified	Implied	County, Region					Implied	Implied	Specified	Specified	Specified	Specified	Specified
	Any 2d class city	Specified		County, Region	Specified	Specified	Specified		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Puerto Rico	Any area of the Island	Specified		County	Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified
Rhode Island	Any city or town					SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
South Carolina	Any city	Specified		County, Region					Specified	Specified	Specified	Specified	Specified	Specified	Specified
South Dakota	Any city or town	Specified			Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified
Tennessee	Any city or town	Specified		Region	Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified
Utah	Any city or town	Specified	Specified	County, Region		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Vermont	Any city, town, or village			Region		SEE SUPPLEMENTARY MATERIAL UNDER THIS STATE									
Virgin Islands															
Virginia	Any city or town			County, Region	Specified	Specified	Specified		Implied	Implied	Specified	Specified	Specified	Specified	Specified
Washington	Any city or town		Specified	County, Region	Specified	Specified	Specified		Implied	Specified	Specified	Specified	Specified	Specified	Specified
West Virginia	Any city, town, or village	Specified	Specified												
Wisconsin	Any city or village	Specified		County, Region	Specified	Specified	Specified		Specified	Specified	Specified	Specified	Specified	Specified	Specified

**Preface** This Comparative Digest represents the revised edition of a legal study, originally issued on January 1, 1951, by the Division of Law, now the Office of General Counsel, of the Office of the Administrator of the Housing and Home Finance Agency. This is the second edition of this particular study which is one of a series of studies designed to make readily available to Federal, State, and local public agencies, to the home-building industry, and to interested private organizations and persons, certain State statutory materials which bear importantly upon or at times determine the type and character of urban planning, slum clearance, urban redevelopment, urban renewal, and housing projects that will be undertaken in local communities. This series includes pamphlets or charts on such related subjects as zoning and subdivision control.

Suggestions and comments on this study, particularly those based on experience with specific statutes, are welcomed, especially because revisions and supplements are continually being made. Inquiries and communications may be addressed to General Counsel, Housing and Home Finance Agency, 1626 K Street, N. W., Washington 25, D. C.



For sale by the Superintendent of Documents, U. S. Government  
Printing Office, Washington 25, D. C.  
Price 70 cents.

# Introduction

This Digest represents a comprehensive study of the basic statutory provisions relating to city, county, region, and State planning. It consists first of a chart which points up the basic community planning powers and functions in each State, and second of supplementary material (arranged alphabetically by States) designed to give a more complete picture of the information reflected in the chart. Included in the supplementary material are (1) references to State statutes which authorize the planning of such territorial areas of the State as counties and regions, (2) references to State statutes which provide for the creation of State planning commissions or which contemplate any kind of planning activities on a State-wide basis, (3) references to statutory authorization allowing the State or any of its political subdivisions to accept Federal funds for planning purposes, and (4) references to pertinent materials in States which are not listed in the chart.

It is reported that the first official planning commission was not created until 1907, and that the first modern city plan was not prepared and published until 1909. Since these dates rapid strides have been made in the area of community planning.

Today, as revealed by the chart, community planning has been authorized expressly by the Legislatures of 43 States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia. The chart also shows that community-type planning on a county-wide basis has been authorized by 31 States; and that such planning on a regional basis has been authorized by 31 States. As is indicated in the supplementary material, the absence in a particular State of a statute expressly authorizing community planning activities does not necessarily mean that municipalities in such State may not engage in planning activities under a local charter provision, or under some general statutory authority or even without it.

The chart reveals the present pattern of State statutory community planning throughout the country. It shows (1) those States that have enacted broad and comprehensive community planning statutes; (2) those States that have enacted community planning statutes that are deficient because of their failure to grant specifically certain desirable or essential community planning powers; and (3) those States (by their absence from the chart) that have not enacted any type of community planning legislation.

With regard to the second category of States, the chart reveals that while planning enabling statutes have been enacted in 43 States, (1) in 14 States there is no express statutory authority granted to extend planning activities beyond the corporate limits of cities; (2) in 24 States there is no express statutory authority granted for final approval or adoption of a comprehensive plan by the city council or other local legislative body; and (3) in 13 States there is no express statutory authority granted for including in comprehensive plans any recommendations with regard to such items as

land use population density, or location of streets, parks, or similar facilities.

While at first, community planning concerned itself almost exclusively with physical planning, with lands and public buildings and facilities, the community planning function now extends also to the economic and social problems of a community. Community planning has so broadened in scope that it includes, among its tools, in addition to a general plan to guide the growth of the community, zoning, establishment of building lines, subdivision control, and supporting plans for land use, recreational facilities, street and highway pattern, population densities, and other matters relating to all areas in the community. Such objectives and aspects of community planning naturally encompass housing (private and public), slum clearance, urban redevelopment, urban renewal and development—Federally-aided programs for which the Housing and Home Finance Agency is basically responsible.

Congress recognized the importance of community planning in the Housing Act of 1949, as amended, both in the declaration of National Housing Policy and in Title I in connection with the authorization of the program for slum clearance, urban redevelopment, and urban renewal. The "solution of community development or redevelopment problems on a State, or regional (within a State), or unified metropolitan basis" is specifically recognized in Section 101 (b) of Title I. Since the original issuance of this Digest, the artificiality for planning purposes of city or county boundary lines, and the importance of the metropolitan area or region as the jurisdictional basis for planning has been again recognized by the Congress. Under Section 7 of the Housing Act of 1954, as amended, Congress has authorized a program of grants to facilitate the planning not only of smaller communities, but also for work in metropolitan and regional areas.

Included at the end of the supplementary material is a list of court decisions, together with pertinent excerpts therefrom, that deal directly or indirectly with certain legal aspects of the community planning function and its exercise. There are very few planning cases, a circumstance in part due to the advisory nature of the planning function. Consequently, the most essential legal tools necessary to make effective a master or comprehensive plan, or a community plan by whatever name identified, are those of zoning and subdivision control. It is concerning the exercise of these powers that most of the court cases, which touch upon the community planning function, have arisen.

For a series of chart outlines on planning enabling acts of the States related to the Standard Planning Act (U. S. Department of Commerce, revised 1928), see the appendix to an article by Charles M. Haar in volume 20 Law and Contemporary Problems (Summer, 1955, No. 3), at pages 3 through 418.



tes,  
oly  
the  
ial  
its  
ide  
ib-  
es,  
ng  
ity  
ce,  
col-  
lly  
  
is-  
ng  
for  
of  
al  
ed  
he  
nd  
ise  
01  
on  
iso  
  
ci-  
n-  
nd  
uo  
st  
vo  
ng  
at  
m,  
  
ns  
yv.  
of  
77

# Contents

	<i>Page</i>		<i>Page</i>		<i>Page</i>
INTRODUCTION . . . . .	ii	Kansas . . . . .	23	Oklahoma . . . . .	50
GENERAL CHART . . . . .	Fold out	Kentucky . . . . .	25	Oregon . . . . .	52
EXPLANATION OF CHART . . . . .	iv	Louisiana . . . . .	27	Pennsylvania . . . . .	53
STATES AND SUPPLEMENTARY MATERIAL:		Maine . . . . .	29	Puerto Rico . . . . .	55
Alabama . . . . .	1	Maryland . . . . .	30	Rhode Island . . . . .	56
Alaska . . . . .	3	Massachusetts . . . . .	31	South Carolina . . . . .	57
Arizona . . . . .	4	Michigan . . . . .	32	South Dakota . . . . .	59
Arkansas . . . . .	5	Minnesota . . . . .	34	Tennessee . . . . .	60
California . . . . .	7	Mississippi . . . . .	36	Texas . . . . .	62
Colorado . . . . .	9	Missouri . . . . .	37	Utah . . . . .	63
Connecticut . . . . .	11	Montana . . . . .	38	Vermont . . . . .	65
Delaware . . . . .	12	Nebraska . . . . .	40	Virgin Islands . . . . .	66
District of Columbia . . . . .	13	Nevada . . . . .	41	Virginia . . . . .	67
Florida . . . . .	14	New Hampshire . . . . .	42	Washington . . . . .	69
Georgia . . . . .	15	New Jersey . . . . .	43	West Virginia . . . . .	71
Hawaii . . . . .	16	New Mexico . . . . .	44	Wisconsin . . . . .	72
Idaho . . . . .	17	New York . . . . .	45	Wyoming . . . . .	74
Illinois . . . . .	18	North Carolina . . . . .	47	PLANNING CASES . . . . .	75
Indiana . . . . .	19	North Dakota . . . . .	48		
Iowa . . . . .	21	Ohio . . . . .	49		

# Explanation of Chart Footnotes

1. This chart is concerned primarily with presenting an outline of community-type planning laws and of the powers of municipal agencies created thereunder where the scope of the planning program authorized is comprehensive in nature, covering the basic factors affecting the future development and physical improvement of urban areas. It is intended to encompass all general laws of this nature, but county or regional operations are reflected only in column V. This chart does not treat planning laws whose provisions or powers are confined in scope to such specific matters as roads, conservation, utilities, airports, etc. For information in regard to county and regional planning, reference should be made to the supplementary material.

The five States not treated in this chart (Arizona, Florida, Missouri, Texas, and Wyoming) do not have general laws authorizing the establishment of local planning agencies with power to prepare comprehensive community plans for urban areas. In some States, planning authority is granted under city charters, and in others, it is possible that planning powers may be grounded otherwise than in express statutory authorization. References to certain county, regional, and State planning laws, including these States, appear in the supplementary material.

2. As a general rule, it would seem that existing planning laws of these States have been developed on the theory that the planning agency functions primarily as a study-making and advisory body and that the actual effectuation of the plan it prepares or recommends is more appropriately the function of the governing body of the municipality. Accordingly, local planning agencies, which are usually called "planning commissions," are not corporate bodies and do not possess taxing, borrowing, or other financing powers, or land acquisition, assembly, or redevelopment powers, or

the authority to develop or administer projects of any kind (beyond the planning stage itself).

The term "comprehensive community plan" as used in this chart, means a general plan for the future physical development or improvement of the city, town, or village (or other urban areas involved), in its entirety, whether referred to in the particular planning law as a "comprehensive plan," "general plan," "master plan," "municipal plan," or simply as "plan" or "plans."

As used in this column, the term "adopt" means action or indication by the planning agency in one form or another that it has completed preparations of the plan and that in its opinion it is in proper form for submission to the city council or other appropriate municipal body for such action as such body may consider appropriate in order to accomplish the objectives of the plan. In States where the statutory scheme calls for adoption or ratification of the plan by the local legislative body, "adoption" by the planning agency generally has no further significance or effect. In States, however, where the statutory scheme does not call for adoption of the plan by the local legislative body, adoption by the planning agency usually has the same significance and effect as indicated in footnote 4 with respect to adoption by the local legislative body. In some States, the statute does not expressly refer to "adoption" of the plan by the planning agency, but this would seem to be a necessary corollary to, or part of, its "preparation" or "recommendation" of a plan as authorized by the statute.

Similarly, in a few States, the statute does not make express provision with respect to the preparation of changes in, or modification of, the comprehensive plan, but such power would seem properly to be implied from the general language of the statute, as well as from the fact that the planning agencies are set up as permanent bodies.

3. Except as otherwise indicated by number miles beyond territorial limits, the area adjacent to the corporate limits includes such area as the judgment of the planning agency bears relation to the planning of the city, town, or village.

4. "Adoption" (i. e., approval) of the plan by the local legislative body generally does not in itself carry the implication of an intention on the part of that body to undertake a positive program of municipal improvement for the purpose of effectuating the objectives of the plan. The basic significance of such adoption generally is that the plan thereafter serves as a pattern and guide to the local legislative body, and other appropriate local bodies, commissions or agencies, in connection with such action or programs as may from time to time be considered or undertaken by the local body affecting or relating to the physical development or improvement of the community. Under the provisions of the planning law, however, such adoption generally does have the effect that the plan, after no streets, parks, public structures, or public utilities (and frequently subdivision developments) may be undertaken in the municipality without the approval of the planning agency, unless specifically approved by vote of a prescribed number of members of the local legislative body.

5. Although it is generally assumed that planning agencies are established solely for municipalities or on occasion for counties, the fact is that many States, as is indicated by this column, have enacted laws authorizing the creation of planning agencies with authority to operate over county or even larger areas, composed of the territory or parts thereof, of two or more governmental bodies. Such planning agencies for such large areas generally are designated or are referred to as "regional." Regions for which planning agencies may be established may consist of the combined areas of any combination of municipalities

or counties, or both municipalities and counties, or parts thereof, or of other territorial areas irrespective of existing political boundaries—to be determined in each instance under the terms of the statute involved. The region for planning purposes may also necessitate crossing State boundary lines in situations where a major city lies near the State line (see supplementary material for the District of Columbia and Pennsylvania). The States indicated in this column have authorized comprehensive planning programs to be undertaken on a county or on some type of a regional basis. For details of the character of any particular county or regional planning scheme, reference should be made to the supplementary material under the particular State.

The importance of such regional or metropolitan planning commissions is emphasized by Section 701, of the Housing Act of 1954, as amended—The Urban Planning Assistance Program. Paragraph 9, and in part paragraph 8, under supplementary material of each State, are intended to

reflect State statutory provisions which might enable the individual State to participate in this program. A recitation that no provision exists or the inclusion of statutory language in these paragraphs is in no way intended to indicate that they satisfy or fail to satisfy the requirements for Section 701 grants. There are instances, in fact, where such grants have been made to a State, when the supplementary material indicates that there is no specific authorization to accept Federal aid. Although editing, of necessity, involves interpreting, the chart and the supplementary material are intended to be a compilation or guide to further research, and not a source of definitive answers.

6. This column is simply intended to indicate planning laws which have language expressly providing for the preparation of "detailed plans" for specific sections of the city or urban area covered by the comprehensive plan. It is not intended to indicate that planning agencies of other

States may not, under the more general provisions of their laws, include in comprehensive community plans extensive planning with respect to particular areas to accomplish the purposes of community planning laws.

7. No planning agency is specifically authorized to make plans to provide housing for persons who may be dispossessed in carrying out plans for the redevelopment of blighted and slum areas. In a number of States, however, there is provision in the Slum Clearance and Urban Redevelopment or Urban Renewal law for the local authority to submit its proposed redevelopment plan to the local planning agency for review. For details with respect to State laws providing specific machinery and procedures for the clearance of slum areas, for urban redevelopment and renewal, and for the provision of housing for persons of low income, reference should be made to other studies prepared in the Housing and Home Finance Agency that deal specifically with these subjects.



# Alabama

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Code of Alabama (1940), including 1955 Supplement, Title 37, Chapter 16, Article 3, Sections 786-797. This statute was originally enacted in 1935.

2. **Localities Where Applicable.** This statute applies to any municipality (defined to include cities, towns, and villages) and to areas within five miles of the corporate limits of the municipality; in counties with a population of 400,000 or more jurisdiction over the latter area is vested in the county commission. (See paragraph B, below.)

3. **Powers Conferred.** This statute confers powers on any municipality to make, adopt, amend, extend, add to, or carry out a municipal plan, and to create by ordinance a planning commission of the particular city, town, village, or other municipality with powers and duties as authorized in the statute, including "such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes" of the statute.

A municipal planning commission consists of nine members, namely, the mayor, one of the municipal administrative officials selected by the mayor, and a member of the municipal council to be selected by the council as members ex-officio and six persons who shall be appointed by the mayor, if he be an elective officer, otherwise by such officer as the council may in the ordinance creating the commission designate as the appointing power. In a city of more than 300,000 inhabitants the commission shall consist of sixteen members, including two members of the municipal council and twelve persons who shall be selected by the council.

4. **The General City Plan.** "It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judg-

ment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The commission may from time to time amend, extend, or add to the plan.

"In the preparation of such plans the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and gen-

eral welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements."

5. **Legal Status of Plan.** "Whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof no street, square, park, or other public way, ground, or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the commission; provided, that in the case of disapproval the commission shall communicate its reasons to council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership: Provided, however, that if the public way, ground, space, building, structure, or utility be one the authorization or financing of which does not, under the law or charter provisions governing same, fall within the province of the municipal council, then the submission to the planning commission shall be by the board, commission, or body having such jurisdiction, and the planning commission's disapproval may be overruled by said board, commission, or body by a vote of not less than two-thirds of its membership. The failure of the commission to act within sixty days from and after the date of official submission to the commission shall be deemed approval."

**B. County Planning.** Code of Alabama (1940), including 1955 Supplement, Title 62,

Chapter 1, Article 17, Section 330 (230)-330 (243b).

This statute grants comprehensive planning powers to any county having a population of 400,000 or more according to the latest Federal census to provide for, regulate, and restrict the use and construction of buildings, structures and land for trade, industry, and residence; and to establish set-back lines for buildings and structures along the roads and streets in the unincorporated areas of such county (excluding part or all of any areas within the police jurisdiction of any incorporated municipality over which the governing body of such municipality is either already exercising zoning jurisdiction and control, or shall actively do so within 180 days (a) after enactment of this provision or (b) after its subsequent incorporation).

**C. Regional, Metropolitan, and Area Planning.** Code of Alabama (1940), including 1955 Supplement, Title 37, Chapter 16, Article 3, Sections 809-814.

The statute authorizes regional planning and the creation of regional planning commissions and grants powers comparable to those granted in regard to municipal planning operations.

The planning commission of any municipality or the county commissioners of any county or any 100 citizens, by signed petition, may apply to the Governor for the establishment of a region for planning purposes and the appointment of a regional planning commission for such region. If the Governor finds under the standards set forth in the statute, after public hearing, that regional planning is necessary he defines the boundaries of the region, and appoints the regional planning commission, consisting of nine members.

Operations of the regional planning commission are to be financed out of contributions authorized to be made by the municipalities, counties, and other taxing districts within the region in such proportion as may be determined by the Governor.

A regional plan, once adopted and certified by

the regional planning commission, applies to all nonmunicipal territory within the region. Also, the regional plan may be adopted by the municipal planning commission of any municipality within the region to which the plan is certified by the regional planning commission.

**D. State Planning.** Code of Alabama (1940), including 1955 Supplement, Title 55, Chapter 10, Article 6A, Sections 373 (6a)-373 (6e). This statute was enacted in 1955.

This statute transfers the functions of the State Planning Board to the State Planning & Industrial Board, and the new board retains the broad powers to adopt, amend, and to extend a master plan for the development of the State. The board is authorized to assist municipal and regional commissions in their planning, including urban redevelopment plans. The board is also empowered to accept and expend Federal funds available for planning and to contract with Federal agencies.

**E. Federal Assistance for Local Planning.** See paragraph D, above.

# Alaska

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Alaska Compiled Laws Annotated (1949), Title 16, Chapter 1, Article 3, Section 16-1-35, Subsection Twenty-third. This provision was originally enacted in 1947.

2. **Localities Where Applicable.** This provision applies to any city of the first class (any incorporated community of 400 or more permanent inhabitants) and apparently has no extra-territorial effect.

3. **Powers Conferred.** The city council of any city of the first class is empowered to appoint a city planning commission, consisting of not less than three nor more than nine citizens, who are nominated by the mayor and confirmed by the city council. It is the duty of the commission to investigate any subject matter tending to the development of the city and to make recommendations to the city's governing body, that is, "to prepare a general plan for the development of the municipality." (See Laws of Alaska, 1951, Chapter 105, esp. Section 20, "The Slum Clearance and Redevelopment Law.") Under Subsection Twenty-fourth the city planning commission may be appointed as the Zoning Commission. Furthermore, it is to operate as the platting authority of the city. (See Laws of Alaska, 1953, Chapter 115, Subchapter II, as amended, Laws of Alaska, 1955, Chapter 95.)

4. **The General City Plan.** "[I]t shall be the duty of such Commission to prepare from time to time plans for the systematic development and betterment of such municipality as a place of residence or for business. . . . The said City Planning Commission may consider and investigate any subject matter tending to the development and betterment of such municipality, and make recommendations as it may deem advisable concerning the adoption thereof, to any department of the municipal government, and for any purpose, make or cause to be made, surveys, maps or plans, before final action shall be taken by any municipality or department thereof, on the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof, such question shall be submitted to the City Planning Commission for investigation and report. . . ."

5. **Legal Status of Plan.** "All plans, plats or replats of land laid out in lots or plats, and the street, alleys, or other portions of the same intended to be dedicated to public or private use within the corporate limits of any city or town, shall first be submitted to the City Planning Commission for its approval or rejection, and before such plans, plats or replats shall be entitled to record in the office of the United States Commis-

sioner, ex-officio Recorder, they must be approved by the council of said city or town. It shall be unlawful to file or record any such plan, plat or replat in any public office unless the same shall bear thereon, by endorsement, or otherwise, the approval of the council of said city or town, and any person, partnership or corporation violating this provision shall, upon conviction thereof, be fined not more than One Thousand Dollars (\$1,000.00), or punished by imprisonment for term of not more than six (6) months, or may be subjected to both such fine and imprisonment."

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. Territorial Planning.** Laws of Alaska, 1957, Chapter 19. This statute designates the Alaska Housing Authority the official Territorial planning agency and authorizes it to provide planning assistance to cities and other political subdivisions, which includes surveys, land-use studies, urban renewal plans, technical services, and other planning work.

**E. Federal Assistance for Local Planning.** The Alaska Housing Authority in carrying out its purposes listed in paragraph D, is authorized to contract, accept and expend grants from the Federal Government.



# Arizona

Arizona has no statute authorizing urban, regional, or State planning.

There is, however, a county planning and zoning law which provides for planning and zoning in that part of a county without the corporate limits of any municipality. This statute (Arizona Revised Statutes 1956, Title 11, Chapter 6, Sections 11-801—11-830) provides in part as follows:

(a) The statute applies to any county; that is, to "that part of the county outside the corporate limits of any municipality." This statute is directed basically to zoning functions.

(b) The board of supervisors of any county is authorized to plan and provide for the future growth and improvement of the area under its jurisdiction, and to coordinate all public improvements in accordance therewith, to form a planning and zoning commission to consult with and advise it regarding matters of planning and zoning and to adopt and enforce such rules, regulations, ordinances and plans as may apply to the development of the area under its jurisdiction.

The county planning commission shall consist of nine members, three of whom shall be appointed from each supervisorial district; not more than one of the three shall be a resident of any incorporated municipality. Members shall serve without compensation. The county assessor, county engineer, and county attorney shall serve in an advisory capacity to the commission.

The board of supervisors may contract with consultants for such services as may be required, employ such persons and provide such funds as it deems necessary to carry on the work of the commission. When such consultants and/or employees are provided to carry on county planning work, the regularly appointed planning and zoning commission of any incorporated town within said county may request the services of such consultants and/or staff for work within the boundaries of said incorporated town, which services the board may make available, after consultation with the commission.

The commission shall act in an advisory capacity to the board and make recommendations in connection with any matter relating to the de-

velopment of the county under the jurisdiction of the board.

(c) "The commission shall formulate and adopt a comprehensive long term county plan for the development of the area of jurisdiction. The county plan, with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the area of jurisdiction together with general zoning regulations. The county plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area of jurisdiction. In the preparation of the county plan the commission shall make surveys and studies of present conditions and prospective future growth of the area of jurisdiction.

"The county plan shall provide for zoning, . . . and provide for the establishment of setback lines and other plans providing for adequate light, air and parking facilities, and which will expedite traffic within said districts. . . ."

The statute provides for adoption of the plan by the commission and submission of the plan to the board of supervisors for approval.

# Arkansas

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Acts of Arkansas 1957, Act 186 (B. No. 143). This act represents a re-writing of the original city planning authorization of 9 (Ark. Stats. Ann. (1947) Vol. 2B (1956), sections 19-2811—19-2818).

**Localities Where Applicable.** This act applies to cities of the first class (over 4,000 inhabitants) and to cities of the second class (1,750 to 10 inhabitants), and to areas within 5 miles of corporate limits of any such cities.

**Powers Conferred.** The statute confers power upon cities of the first and second class to adopt and enforce a municipal plan for the development of the municipality and its environs; authorizes the city council to create a city planning commission of not less than five members, who shall serve without compensation.

**The General City Plan.** "The general purpose of the planning commission is to prepare or to prepare a plan or plans of the municipality, receive and make recommendations on public and private proposals for development, to prepare and administer planning regulations, to prepare and transmit to the legislative body recommended ordinances implementing plans, and to advise and counsel the city government and other local bodies. The planning commission shall be the duty and function of promoting public interest in and understanding of the long term coordinated municipal planning."

The planning commission shall undertake suitable studies related to the plan or plans to be prepared. Such studies shall be conducted after completion of the Planning Area Map and prior to the preparation of the plan or plans." The planning commission may prepare and adopt a land use plan which may include but shall not be limited to the reservation of open spaces, the preservation of natural and historical features, parks and monuments, the existing uses to be retained without change, the existing uses proposed

for change, and the areas proposed for new development. The land use plan may include areas proposed for redevelopment, rehabilitation, renewal, and similar programs."

The planning commission may prepare and adopt a community facilities plan indicating the general location and extent of service areas, such as, a master street plan which shall designate the general location, characteristics and functions of streets and highways . . . it may provide for the removal, relocation, widening, narrowing, vacating, abandonment, and change of use or extension of any public ways.

**5. Legal Status of Plan.** After adoption and filing of the plan, no public way, ground, or open space, or any public building or structure, whether publicly or privately owned public utility line or terminal or transportation line, public development or redevelopment or renewal project, shall be acquired, constructed, or authorized in the municipality or in such planned section or district until the project, proposal or development shall have been submitted to the planning commission for review, recommendation, and approval. The commission's disapproval of a proposal submitted to it may be overruled only by a two-thirds vote of the full commission membership.

**B. County Planning.** Arkansas Statutes Annotated (1947), 1956 Replacement Volume 2B, Title 17, Chapter 11, Sections 17-1101—17-1106. County planning may be carried on by a county planning board appointed by the county judge. The board may consist of from 5 to 12 members who serve without compensation. It may prepare and adopt an official county plan for the physical development of the unincorporated territory of the county.

The plan shall contain the board's recommendation for the development of the county and may include, among other things, "the general location, character and extent of highways, roads, streets,

grade separations, bridges, public schools, public institutions, water conservation and flood prevention projects, water supply, sanitary and drainage facilities, water front developments, land-conservation projects, forests, reservations, parks, parkways, playgrounds, airports and other public ways, grounds, buildings, structures, utilities, facilities, and such other features or public works which are logically related to, or an integral part of a long-term coordinated plan for the orderly and economic physical development of the county."

The statute sets forth the legal status of the plan.

**C. Regional, Metropolitan, and Area Planning.** Arkansas Statutes Annotated (1947), 1956 Replacement Volume 2B, Title 19, Chapter 28, Sections 19-2820—19-2824. These Sections provide that "Any two or more cities [which phrase is defined to include cities of the first and second class and incorporated towns] or counties or other civil subdivisions having adjoining planning jurisdictions, or any county and city or cities within or adjacent to the county, may jointly cooperate in the exercise and performance of planning powers, duties and functions as provided by state law for cities and counties.

" . . . The metropolitan or regional commission shall make a plan or plans for development for the area, which may include, but shall not be limited to recommendations for principal highways, bridges, airports, parks and recreational areas, schools and public institutions, and public utilities. Any metropolitan or regional plan so developed shall be based on studies of physical, social, economic, and governmental conditions and trends. . . ."

**D. State Planning.** State planning activities may be carried on by the Division of Planning of the Arkansas Geological and Conservation Commission (Arkansas Statutes Annotated (1947), 1956 Replacement Volume 2, Title 9, Sections

9-301—9-305), the planning powers of the former planning authority having been transferred by Section 9-114. The division has the duty of preparing and adopting an official State plan for the physical development of the State.

**E. Federal Assistance for Local Planning.**  
The Executive Secretary of the Arkansas Geologi-

cal and Conservation Commission is authorized to accept any Federal grants, gratuities or loans made on account of any of the functions to be performed by the Commission. (Section 9-107.)

The University of Arkansas, under Section 80-2859, is authorized upon request of the respective governing bodies "to provide planning assistance

to such municipality, county or joint planning agency, . . . to apply for and accept grants from the Federal Government or other source in connection with any such assistance, study, or report, and to contract with respect thereto."

See also Section 3 (k) of the authorization for city planning, cited at paragraph A.1, above.

# California

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Deering's California Codes Annotated, including 1955 Supplement, Government Code, Volume 4, Title 7, Chapter 1, Sections 65000-65365. This statute was enacted in 1947, but it expressly repealed an earlier "Planning Act of 1929".

2. **Localities Where Applicable.** This statute applies to any city or county and to any land outside its boundaries which in the judgment of the commission bears relation to the planning of the city.

3. **Powers Conferred.** The statute confers powers upon every city to adopt and establish a master plan of the city, and official plans based thereon. The legislative body of each city is authorized to create by ordinance a planning commission of the city with powers and duties as authorized in the statute.

A county or city planning commission shall consist of five, seven, or nine members. As ex officio members, county or city officers may be designated; they are without a vote unless otherwise specified and must not exceed one of a five-member commission, two of a seven-member commission, or three of the nine-member commission. Advisory members, who shall be county or city officers or employees, may be appointed.

Funds, equipment, and accommodations necessary for the work of the city or county planning commission, or of the urban area in which such city or county is situated, shall be appropriated by the legislative body of the city or county; such appropriation may include funds for the work of the regional planning commission of the regional planning district within which such city or county is situated.

4. **The General City Plan.** Each planning commission is directed to prepare and adopt a comprehensive, long-term, general plan for the physical development of the city and of any land outside the boundaries thereof which in the com-

mission's judgment bears relation to the planning thereof. The master plan shall consist of a map and a statement describing it and a statement covering objectives and principles used to develop it; it shall include (a) a land use element designating the proposed distribution, location and extent of uses of the land for housing, business, industry, education, etc.; (b) a circulation element consisting of existing and proposed major thoroughfares, transportation routes, terminals, etc.; (c) a statement of the standards of population density and building intensity, and estimates of future population growth; (d) supporting maps, diagrams, charts, etc. A master or general plan may also include a redevelopment element comprising surveys and plans for the elimination of slums and for community redevelopment.

The statute sets out procedure for adoption, alteration, addition to, or amendment of the master plan by the planning commission. It also provides for subsequent adoption by the legislative body.

5. **Legal Status of Plan.** Whenever the legislative body of the city shall have adopted a master plan for the city or for any major section or district thereof, no road, street, highway, square, park or other public way, ground or open space shall be acquired by dedication or otherwise, and no road, street, highway, or public way shall be closed or abandoned, and no public building or structure shall be constructed or authorized in the area for which such master plan shall have been adopted by the legislative body, until the location, character, and extent thereof shall have been submitted to and shall have been reported upon by the planning commission.

Whenever the city or city and county shall have established a planning commission and shall have adopted regulations governing subdivisions, which regulations thereafter have been officially adopted by ordinance by the governing body of said city or city and county, such planning commission

shall have such control over subdivisions as is granted to it by such regulations and by the statutes of the State of California.

Provision is also made in the statute for approval of street improvements by the planning commission.

**B. County Planning.** The statute cited in paragraph A.1, above, authorizes county planning and the creation of county planning commissions and grants the same powers as those granted in regard to municipal planning operations. Members of county planning commissions shall be so selected as to provide adequate agricultural representation.

The term "county" is defined to include city and county, and the statute applies equally to both.

**C. Regional, Metropolitan, and Area Planning.** The statute cited in paragraph A.1, above, authorizes regional planning and the creation of regional planning commissions.

For the purpose of providing State coordinated regional planning, the State Planning and Conservation Board is directed to divide the State into regional planning districts, to include: (1) natural physiological regions containing complete watersheds of major stream systems, together with the land upon which the waters of such watersheds are put to beneficial use; (2) areas having mutual social and commercial interests, as exemplified by radiating and connecting routes of transportation, by trade, and by common use of recreation areas within the region.

The statute further directs that a regional planning commission shall be established for each regional planning district, all members of the commission to be appointed by the Governor from nominees selected by the board of supervisors of each county or portion of county lying within the regional district from the membership of the county planning commission of such county.

Any counties or municipalities which are included in a regional planning district may enter

into contracts with any other counties or municipalities in the district for the preparation of master and official plans or the performance of other planning functions.

Each regional planning commission is directed to prepare and adopt a comprehensive, long-term, general plan for the physical development of the region, and of any land outside the boundaries thereof which in the commission's judgment bears relation to the planning thereof. The master plan shall include the same subjects as those which apply to cities and counties.

The regional planning commission is directed to prepare, adopt, and submit to the county and city planning commissions in their respective regions, plans, features of plans, and findings in matters pertaining to regional and State welfare, and the county and city planning commissions are directed to embody these plans and recommendations in the respective master plans under their control.

Sections 66100-66390 were added to title 7 of

the Government Code in 1957 and authorize "district planning." This statute authorizes two or more entire counties upon resolution of the boards of supervisors in each county to create a planning district. The district planning board shall prepare a district plan based on comprehensive studies of the physical, economic, social and governmental conditions of the entire district and related areas; before adoption the plan is to be referred to each city and county government for review. An official representative to the board may be chosen from, among others, each county and city planning commission and each redevelopment and housing authority within the district. There is specific authority to accept grants, funds or services from the Federal Government.

**D. State Planning.** The statute cited in paragraph A. 1, above, authorizes State planning also. The State Planning and Conservation Board's function is to encourage the extension and correlation of State planning by agencies of the State

Government, and to participate in interstate and national planning efforts.

The board is directed to "indicate upon the master regional and county plans those things which it considers pertinent to such master plans."

**E. Federal Assistance for Local Planning.** The statute provides specifically for the commission's participation in the Federal program providing funds and assistance for city planning and development. Section 65007 (Stats. 1956, Ch. 33, Sec. 8) reads: "For the purposes of carrying out the powers granted to it by this title, any planning commission organized pursuant to this title may do the following: (a) Contract for, receive and utilize any grants or other financial assistance made available by the Federal Government. (b) Contract with the Federal Government and any of its agencies, the State and any of its agencies, or the legislative body of any city or county."

See also paragraph C, above, with respect to district planning.

# Colorado

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Colorado Revised Statutes Annotated (1953), including 1955 Supplement, Chapter 139, Article 59. This statute was originally enacted in 1929.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include cities, towns, and villages, including home-rule charter cities so far as constitutionally permissible), and to any areas outside the boundaries thereof which in the judgment of the commission, subject to the approval of the governing body thereof, bear relation to the planning of the municipality.

3. **Powers Conferred.** The statute authorizes any municipality to make, adopt, amend, extend, add to, or carry out a municipal plan, as provided, and to create by ordinance or resolution a planning commission with the function and duty to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries, subject to the approval of the legislative or governing body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality.

The commission shall consist of not less than five nor more than seven members (provided that home-rule charter cities are not limited in the size of their commissions) who shall serve without compensation. Funds for the commission's work shall be appropriated by the council.

4. **The General City Plan.** The statute provides that the master plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of said territory including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces,

the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; as well as a zoning plan for the control of the height, area, bulk, location and use of buildings and premises.

The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan, and may adopt any amendments or extensions thereof or additions thereto.

The commission is empowered to promote public interest in the plan by appropriate publicity; members of the commission are authorized to attend city planning conferences, meetings, or hearings; the commission is authorized to recommend, from time to time, to appropriate public officials, programs for public structures and improvements and for the financing thereof; and all public officials are directed to cooperate with the commission by furnishing such available information as it may require for its work.

5. **Legal Status of Plan.** "Whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space, or public building or structure, or publicly or privately owned public utility shall be constructed or authorized in the municipality or in such planned section and district until the location, character and extent thereof shall have been submitted for approval by the commission." Power to overrule the planning commission's disapproval by a two-thirds

vote is reserved to the council, or appropriate board, commission or body having jurisdiction.

**B. County Planning.** Colorado Revised Statutes Annotated (1953), including 1955 Supplement, Chapter 106, Article 2. This statute, as now amended, was originally enacted in 1939. The statute authorizes and empowers the boards of county commissioners of the respective counties within the State to provide for the physical development of the unincorporated territory ("situated outside of cities and towns, so that when used in connection with 'territory,' 'areas,' or the like, it covers, includes, and relates to territory or areas which are not within the boundary of any city or town") within the county; to appoint a commission of five members, to be known as the county planning commission, except that in counties having a population of 15,000 or less, the board of county commissioners may constitute the commission.

The function and duty of a county planning commission is to make and adopt a master plan for the physical development of the unincorporated territory of the county. The function and duty of a regional planning commission is to make and adopt a regional plan for the physical development of the unincorporated territory of the region. Any such plan may include the planning of incorporated areas to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the county or region as a whole; provided, however, that the plan shall not be deemed an official plan or part of the official plan of any municipality unless adopted by the municipal planning commission thereof.

"The master plan of county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things, the

general location, character and extent of streets or roads, viaducts, bridges, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; the general character, location, and extent of community centers, town sites, or housing developments; the general location and extent of forest, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development; and a land-classification and utilization program."

The statute requires the plan to be certified to the respective boards of county commissioners, and to the planning commissions and the city clerks of all municipalities, within the county or region. Any municipal planning commission may adopt any appropriate portion of such plan, and when so adopted it shall have the same force and effect as though prepared and adopted by such planning commission.

After adoption of the master plan, no public works may be constructed without approval of the appropriate commission.

The statute also provides for zoning and subdivision control.

**C. Regional, Metropolitan, and Area Planning.** See paragraph B, above.

**D. State Planning.** Colorado Revised Statutes Annotated (1953), including 1955 Supplement, Chapter 106, Article 1 (as amended, S. B. No. 53, app. March 22, 1957). State planning

is carried on by a State Division of Planning which shall prepare, perfect, and coordinate, from time to time, long-range plans for the development of the State and shall advise and cooperate with the United States, other States and their agencies, with municipal, county, regional, and other local planning authorities within the State for the purpose of promoting coordination between State and local development. The commission shall, upon the request of any appropriate municipal, county, or other local commission or official, transmit information possessed by it which bears upon such coordination.

**E. Federal Assistance for Local Planning.** With the approval of the Governor, the State Division of Planning is specifically empowered to receive and expend Federal funds available for the purposes for which the Division exists, with specific provision for the Division to provide matching funds.



# Connecticut

**A. Municipal Planning.** 1. **The Urban Planning Statute.** General Statutes of Connecticut (1949 Revision), Title 8, Chapters 45 and 46, Sections 853-868, including the revisions in 1955 Supplement, Sections 384d-398d. This statute was originally enacted in 1947.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include a city, town, or borough) and apparently has no extraterritorial effect.

3. **Powers Conferred.** Any municipality may create by ordinance, a planning commission consisting of five members, which shall prepare, adopt, and amend a plan of development for the municipality, including subdivision control.

"Any town, unless otherwise provided by special act, may, by ordinance, designate the planning commission as the planning and zoning commission for such town, and such commission shall thereupon have all the powers and duties of both a planning and zoning commission and shall supersede any zoning commission in such town."

4. **The General City Plan.** The plan may show the commission's recommendations "for the most desirable use of land within the municipality for residential, recreational, commercial, industrial, and other purposes; for the most desirable density of population in the several parts of the municipality; for a system of principal thoroughfares, parkways, bridges, streets, and other public ways; for airports, parks, playgrounds, and other public grounds; for general location, relocation, and improvement of public buildings; for the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, sewerage, light, power, transit, and other purposes; and for the extent and location of

public housing projects. Such other recommendations may be made by the commission and included in the plan as will, in its judgment, be beneficial to the municipality. . . . The commission may prepare and adopt plans for the redevelopment and improvement of districts or neighborhoods which, in its judgment, contain special problems or show a trend toward lower land values."

Prior to adoption of the plan, the commission is required to file a copy in the office of the town clerk and to hold a public hearing thereon after adoption. Thereafter, the plan is required to be filed in the office of the town clerk and notice of its effective date published in the municipality.

Separate acts for specific communities are to be found establishing planning commissions or zoning and planning commissions; generally the same planning powers are granted as are included in the general planning statute. For example: City of Norwich: Special Acts, 1949, No. 422; Town of Suffield: Special Acts, 1949, No. 528; Town of Greenwich: Special Acts, 1951, No. 469.

5. **Legal Status of Plan.** No action may be taken by any municipal agency on any proposal involving municipal improvements until it has been referred to the planning commission. A proposal disapproved by the commission may be adopted by the municipality after a two-thirds vote of the town or city council. Any subdivision of land must be approved by the commission; no building or structure may be erected in an unapproved subdivision or an unaccepted street.

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** The statute cited in paragraph A.1, above, authorizes the respective legislative bodies of two or more towns, cities, or boroughs which are parts

of the same planning region to join in the formation of a regional planning authority with co-terminous jurisdiction; to present a plan for the coordinated development of the region within its jurisdiction; and to assist the several planning commissions within its area in carrying out any regional plans developed by such authority. The regional plan shall show the authority's recommendations for the general use of the area, including principal highways and freeways, bridges, airports, parks, playgrounds, recreational areas, schools, public institutions, public utilities, and such other matters as in the opinion of the authority, will be beneficial to the area.

See also Public Act 635, Laws 1957 (H. B. No. 1146) for further authorization concerning the establishment and authority of regional planning authorities.

**D. State Planning.** No specific provision.

**E. Federal Assistance for Local Planning.** "The Connecticut development commission is authorized to accept any federal funds allotted to this state, under section 701 of the Federal Housing Act of 1954, as amended, or under any other federal act for local and regional planning, and said commission shall administer such funds in accordance with federal law. Said commission may enter into contracts with the federal government concerning the use and repayments of such funds. . . . Any municipal planning commission, zoning commission, planning and zoning commission or regional planning authority operating under the general Statute or by special act may contract with professional consultants, the State and federal government, or with any one or more of them." (November, 1955, Supplement to the General Statutes, Chapter 161, Section N179.)

# Delaware

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Delaware Code Annotated, including 1956 Supplement, Title 22, Chapter 7, Sections 701-711. This statute became effective in 1953.

2. **Localities Where Applicable.** This statute applies to any city or town.

3. **Powers Conferred.** Any incorporated city or town may establish a planning commission, consisting of not less than five nor more than nine members, which shall make a comprehensive development plan for the development of the entire area of such city or town or of such part or parts thereof as said commission may deem advisable. The planning commission shall have full authority to make investigations, maps, and reports of the resources, possibilities and needs of the area; it shall report annually to the city or town council.

4. **The General City Plan.** "Such comprehensive development plan shall show, among other

things, existing and proposed public ways, streets, bridges, tunnels, viaducts, parks, parkways, playgrounds, site for public buildings and structures, pierhead and bulkhead lines, waterways, routes of railroads and buses, location of sewers, watermains and other public utilities, and other appurtenances of such a plan, including certain private ways."

The city council or town commissioners may adopt an official map, prepared under the direction of the planning commission, which is established to conserve and promote the public health, safety, and general welfare.

5. **Legal Status of Plan.** After an official map is adopted no public way shall be laid out, altered, relocated or discontinued, if such laying out, alteration, relocation, or discontinuance is not in accordance with such official map as it then appears, unless the proposed change has been referred to the planning commission.

**B. County Planning.** Of the three counties in Delaware, New Castle alone is authorized to have a Regional Planning Commission, consisting of eleven members. (Delaware Revised Code Annotated, including 1956 Supplement, Title 9 Chapter 25, Sections 2501-2517.) The statute applies to that portion of New Castle County which is not included within the corporate limits of any city or town, unless any territory within such corporate limits is included upon request made by its governing body. The function and duty of the commission is to prepare, amend, and extend a master plan showing existing and proposed roads, county parks, county airways, etc.

**C. Regional, Metropolitan, and Area Planning.** See paragraph B, above.

**D. State Planning.** No specific provision.

**E. Federal Assistance for Local Planning.** No specific provision.

# District of Columbia

**A. Municipal Planning.** 1. **The Urban Planning Statute.** District of Columbia Code (1951 Edition), including 1955 supplement, Title 2, Sections 1001-1010. This statute was originally enacted in 1952.

2. **Localities Where Applicable.** This statute applies to the National Capital (the District of Columbia) and its environs in the States of Maryland and Virginia, namely, Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia.

3. **Powers Conferred.** The statute creates a National Capital Planning Commission and transfers to that commission the duties of the former National Capital Park and Planning Commission.

The commission is charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal and District developments or projects in the environs.

The Commission may, as to projects in the environs of the District of Columbia, act in conjunction and cooperation and enter agreements with any State or local authority or planning agency to effectuate the adoption of any plan or proposal. Members of the Commission serve without pay, but the Commission may employ necessary personnel, including a director of planning and other expert city planners.

4. **The General City Plan.** The statute provides that the plan shall include recommendations as to traffic and transportation; plats and subdivisions; highways, parks and parkways; school and library sites; playgrounds; drainage, sewerage and water supply; housing; redevelopment of obsolescent, blighted, or slum areas; neighborhood units; building and zoning regulations, public and private buildings; bridges and water-fronts; commerce and industry; and other proper elements of city and regional planning.

5. **Legal Status of Plan.** No specific provision.

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** The statute cited in paragraph A.1, above, also establishes a National Capital Planning Council, to be composed of representatives of the planning agencies of the region.

The council is authorized to adopt and, from time to time, amend or extend a general plan for the development of the region, to serve as a general framework or guide of development within which each part of the region may be more precisely planned by the appropriate planning agency or agencies. The regional plan shall include a land-use plan which designates the proposed general distribution and general locations of the uses of land for such categories as may have important influence on the development of the region.

Any county or portion thereof in Maryland or Virginia may be added to the National Capital Region if the local governing body so requests and the commission and council find that such addition to the region is appropriate.

# Florida

There is no general statute in the State of Florida authorizing the establishment of urban planning agencies with power to prepare comprehensive community plans. However, authority to establish city and county planning commissions is found in special legislative enactments, for example, Laws of Florida 1957: (S. B. No. 278, May 1, 1957) for the city of St. Augustine; (H. B. No. 748, May 9, 1957) for Bay County.

City charters of individual cities also may be found to authorize the establishment of planning commissions to make plans for the arrangement of the city with a view to its general improvement, and probable future growth and demands, taking into consideration the location, industry, transportation, public utilities, parks, etc. For example: Charter of the City of Tampa, Chapter 15711 (1937); Charter of the City of Lakeland,

Section 75 (1950); Charter of the City of Fort Pierce, Section 144 (1927).

Furthermore, the State of Florida has established the Florida Development Commission, which shall consist of nine members, one member from each congressional district, appointed by the Governor. (Florida Statutes Annotated, including 1955 Supplement, Chapter 288.)

"The general purposes of the commission shall be to guide, stimulate and promote the coordinated, efficient and beneficial development of the state and its regions, counties and municipalities in accordance with present and future needs and resources and the requirements of the prosperity, convenience, comfort, health, safety and general welfare of the people of the state."

The commission shall have the power and authority to advise, assist, and cooperate with municipal, county, regional, metropolitan area and

other local planning and development agencies within the state in preparing plans and programs for physical and economic development of such areas.

In accordance with any Federal law or regulation now enacted or hereafter to be enacted the commission is authorized to act as the official agency of the State to work with Federal agencies in matters affecting State, regional, county, metropolitan area, or municipal planning, urban redevelopment, and other matters concerning the acquisition, planning, construction, development, financing, control, improvement, or distribution of lands, buildings, structures, facilities, goods, services in the interest of the public; and in connection with the grant or advance of any Federal or other funds or credits to the State or through the State to its local governing bodies, in compliance with any such Federal law.

# Georgia

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Georgia Code Annotated, including 1955 Supplement, Title 69, Sections 69-801-69-843. This statute was originally enacted in 1946.

2. **Localities Where Applicable.** This statute applies to any municipality, but is not to affect any municipality having a system of zoning and planning ordinances unless the governing authority declares it to be effective, nor to affect any municipality which prior to January 31, 1946, had the power under its charter to adopt zoning and planning ordinances, unless the governing body so elects.

3. **Powers Conferred.** This statute authorizes each municipality to appoint a municipal planning board of not less than three nor more than seven members which "shall study the resources, possibilities and needs of the municipality and shall prepare a master plan and maps for the systematic future development of the said municipality and from time to time in the manner provided make such recommendations to the governing authority as may be deemed advisable."

The planning board has "authority to cooperate with the planning and zoning boards of counties, cities, villages, or other municipalities, either within or without the county, in which such municipality is located, with a view to coordinating and integrating the planning and zoning program and to adopt such rules as may be thought proper to effect such cooperation."

In lieu of a planning board for the municipality, the municipal governing authority may form a planning board in conjunction with the governing authorities of the county in which the municipality is located to operate as a "city-county joint planning board."

4. **The General City Plan.** The planning board is directed to "prepare a master plan and maps for the systematic future development," but it does not enumerate the various matters to be included in the plan. The statute represents, rather, a detailed authorization with respect to zoning regulations. The board is also authorized to govern the subdivision of land.

5. **Legal Status of Plan.** "In any case in which any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of this Chapter or of any regulation or amendment thereof, enacted or adopted by the governing authority of the county under the authority granted by this Chapter, such authority, the legal counsel of such municipality or any owner of real estate within the district in which such buildings, structure of [sic: or] land is situated, may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use."

**B. County Planning.** Georgia Laws 1957, Vol. I, Act 368 (H. B. 400). This statute authorizes the governing bodies of any municipality or county in the State to create by ordinance a Planning Commission or to create jointly a Municipal-County Planning Commission. Such a commission is empowered to prepare a master plan for the development of its political jurisdiction, and to prepare and recommend zoning ordinances, regulations for the subdivision of land, and plats, or an official map. The master plan is to include provisions for streets, transportation, public lands and buildings, utilities, industry, housing de-

velopment, slum clearance, urban renewal and redevelopment, etc. A planning commission may contract with or accept funds from the Federal Government.

Various specific acts have been enacted authorizing planning commissions for individual areas. For example: Cordele and Crisp County, Laws 1957, Act 171; Forsyth County, Laws 1957, Act 429; Milledgeville and Baldwin County, Laws 1957, Act 479; Valdosta and Lowndes County, Laws 1957, Act 193; Counties of 81,000 to 82,000 population, Laws 1947, No. 15; Counties of 60,000 to 80,000 population, Laws 1949, No. 392.

**C. Regional, Metropolitan, and Area Planning.** See paragraph B, above.

**D. State Planning.** Georgia Laws 1957, Vol. I, Act 368 (H. B. 401). This statute establishes a State Planning Commission, consisting of the Chairman of the State Highway Commission and nine citizen members. It is to make comprehensive surveys and studies of the existing conditions and probable future growth of the State and prepare a general plan for the overall development of the State. The plan may include the Commission's recommendations concerning public and private works—utilities, flood control, water reservoirs and their watersheds—which by function, size or legal status are of State, as opposed to local concern. Upon request of the local governmental unit, the Commission is authorized to provide planning assistance, which includes surveys, land-use studies, urban renewal plans, technical services.

**E. Federal Assistance for Local Planning.** With the approval of the Governor the State Planning Commission may contract with or accept grants or services from the Federal Government. See also paragraph B, above.

# Hawaii

**A. Municipal Planning.** 1. The Urban Planning Statute. Revised Laws of Hawaii (1945), Chapter 127, Sections 6633-45, as amended by Session Laws of Hawaii, 1947, Chapter 217, B. 124. This statute was originally enacted in 1939.

2. Localities Where Applicable. This statute applies to "the city of Honolulu" (defined in section 6502 as the "Honolulu District . . . and the islands not included in any other district of the island of Oahu") and "such other areas of the city and county as may be made subject thereto pursuant to the procedure provided in section 6637."

3. Powers Conferred. The statute authorizes appointment by the mayor, with the approval of the board of supervisors, of a city planning commission for the city and county of Honolulu. The Commission, consisting of nine members, is required to prepare and adopt a master plan after notice and public hearing.

The Board of Supervisors may propose additions to or changes in the master plan, which may be adopted by a majority vote of the Board, if the Commission approves of the addition or modification. Otherwise, any addition or modification must have the affirmative vote of at least five members of the Board.

An addition to or change in the master plan may also be initiated by the Commission by adopting a resolution after notice and public hearing. The Board of Supervisors may disapprove or modify such resolution by affirmative vote of at least five of its members.

Extension of the master plan to areas of the city and county outside the limits of the city may be initiated by the Commission or the Board of Supervisors in the same manner as provided for additions or modifications, but no such extension shall be made if a protest is filed by the owners of at least 30 percent of the land in the area affected by the proposed extension.

**The General City Plan.** The statute provides that the master plan shall show "desirable streets, roads, highways, and the grades thereof,

bridges, parks, parkways, and other public ways, playgrounds, sites for public buildings and other structures, building zone districts, use zone districts, waterways, routes of street railroads, omnibus and other public carriers (provided that such plan shall not affect heretofore legally authorized routes), locations of drainage systems, sewers, sewage treatment plants, incinerators, water conduits, and other public utilities, privately or publicly owned, and such other features, changes and additions as will provide for the improvement of the city and its future growth and development, and afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health and welfare of its population; provided, however, that street grades and public utilities may be shown on the master plan or any part subsequent to the time of the adoption by the commission of the master plan or such part thereof. The commission may adopt the master plan as a whole or may from time to time adopt a part or parts thereof. Before adopting the master plan or any part or modification thereof, the commission shall hold a public hearing or hearings, published notice of each which, except an adjourned meeting, shall be given. The master plan and all modifications thereof shall be kept on file in the office of the commission."

5. Legal Status of Plan. "After adoption of the master plan or any part thereof, no public improvement or project, including any territorial project affecting the master plan, shall be initiated unless it conforms to the master plan or is otherwise authorized in this subtitle; provided, however, that in case of a conflict between the master plan and any present or future federal aid project, the governor by executive order may set aside the master plan to the extent that such conflict prevents the obtaining or the granting of federal aid on any such project or the prosecution of the work thereunder."

**B. County Planning.** Specific statutes, applicable to individual counties, authorize county

planning in identical terms: "The board of supervisors shall have the power to create a county planning and traffic commission to be charged with the following duties:

"(a) To formulate a master plan providing for the future growth, development and beautification of the county of Kanai in its public and private buildings, streets, roads, grounds and vacant lots;

"(b) To formulate subdivision and zoning regulations;

"(c) To advise the board in the regulation of traffic;

"(d) To recommend the establishment of building zones, and

"(e) To perform such other duties as the Board may prescribe." Session Laws of Hawaii, 1953, Act 121, B-145. Compare: The County of Maui, Session Laws of Hawaii, 1953, Act 99, B-147; the County of Hawaii, Session Laws of Hawaii, 1947, Act 77, B-108.

**C. Regional, Metropolitan, and Area Planning.** See paragraph D, below.

**D. Territorial Planning.** Session Laws of Hawaii, 1957, Act 150. This statute establishes a Territorial planning office to provide for a planned, coordinated program for developing the economic potential of the Territory. The planning office is to prepare a general plan which is defined to mean a long-range, comprehensive plan which serves as a guide for the future physical and economic development of the Territory. This plan may include a map of each county with a statement of development objectives including (1) a land use element, (2) a transportation element, (3) a public facility element, and (4) a population density element. The planning office may furnish assistance to the various counties to facilitate the planned development of urban and rural areas, and to regions, metropolitan areas and/or communities to facilitate urban planning. The office is authorized to accept and expend Federal funds.

**E. Federal Assistance for Local Planning.** See paragraph D, above.

# Idaho

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Idaho Code, including 1955 Supplement, Volume 9, Title 50, Sections 50-2701—50-2708. This statute was originally enacted in 1935.

2. **Localities Where Applicable.** This statute applies to any city or village and apparently has no extraterritorial effect.

3. **Powers Conferred.** The statute authorizes any city or village to create a planning commission of from six to twelve members, with power to recommend and make suggestions to the city council or village board, as the case may be, for the adoption of coordinated plans for the physical development of such city or village; for the formation of zoning districts; to make suggestions concerning the laying out, widening, extending and locating of streets, roads and highways for the relief of traffic; density of population and development of land; development and beautification in respect to public buildings, streets, parks, grounds and lands consistent with future growth and development and in order to promote the public health, morals, safety and welfare of the inhabitants; and to give suggestions and advice to individuals concerning landscaping or location of buildings, structures or works to be erected, constructed or altered by or for such individual. A

commission may cooperate with other and like commissions along the lines and purposes prescribed in the statute.

4. **The General City Plan.** With respect to municipalities, the statute merely authorizes the establishment of a planning agency to "recommend and make suggestions" with respect to the matters enumerated in the preceding paragraph 3. There is no specific direction to submit the recommendations in the form of a comprehensive development plan. However, the language employed may be broad enough to permit recommendations to be made in the form of a comprehensive development plan.

5. **Legal Status of Plan.** The planning commission submits recommendations, which are adopted in the form of an ordinance or resolution.

**B. County Planning.** The statute cited in paragraph A.1, above, authorizes county planning and the creation of a county planning commission, and grants powers comparable to those granted in regard to municipal planning operations.

**C. Regional, Metropolitan, and Area Planning.** The commissions of two or more adjoining counties are empowered to cooperate in the formation of a regional planning commission for the making of regional plans and for the performance of any of the duties for its region that are enumer-

ated in the previous paragraphs for city, village, or county commissions. The statute provides for the "making of regional plans," which language may be broad enough to contemplate submission of the regional planning commission's recommendations in the form of a comprehensive development plan.

**D. State Planning.** The duties and functions of the former Idaho State Planning Board, authorized by Sections 67-1901—67-1909 of Title 67 of the Idaho Code, have been abolished. There is, however, the Department of Commerce and Development, the primary concern of which is to advertise the State of Idaho's resources and attractions, etc. Idaho Code, including 1955 Supplement, Volume 11, Title 67, Sections 67-4701—67-4706. Certain powers of the former State Planning Commission are retained, for the Department of Commerce and Development is authorized to survey and investigate the social, economic and physical resources of the State; to coordinate the work of all research, fact-finding, and development agencies established by the laws of the State; and to cooperate with, and coordinate the work of local and regional planning agencies within the State.

**E. Federal Assistance for Local Planning.** No specific provision. (Compare, however, the power granted the former State planning board under Section 67-1907.)



# Illinois

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Smith-Hurd Illinois Annotated Statutes, including 1955 Supplement, Chapter 24, Sections 53-1 to 53-3. This statute was originally enacted in 1921.

2. **Localities Where Applicable.** This statute applies to any municipality (which term includes city, village, or incorporated town). Under certain circumstances designated by statute, the planning functions may be exercised  $1\frac{1}{2}$  miles beyond the city limits.

3. **Powers Conferred.** Every municipality is authorized to create a plan commission or recognize any existing plan commission. Every plan commission has power:

To prepare and recommend to the corporate authorities a comprehensive plan of public improvements looking to the present and future development of the municipality. After its adoption by the corporate authorities, this plan shall be known as the official plan of that municipality. Thereafter from time to time the plan commission may recommend changes in the official plan. This plan may include reasonable requirements with reference to streets, alleys, and public grounds in unsubdivided land situated within the corporate limits or in contiguous territory not more than  $1\frac{1}{2}$  miles beyond the corporate limits and not included in any municipality. These requirements shall be effective whenever this unsubdivided land is subdivided after the adoption of the official plan.

To prepare and recommend to the corporate authorities from time to time plans for specific improvements in pursuance of the official plan.

To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the progress of these projects, and generally to promote the realization of the official plan.

To exercise such other powers, germane to the

powers granted by this article, as may be conferred by the corporate authorities.

4. **The General City Plan.** The law uses broad language, to wit: "To prepare and recommend to the corporate authorities a comprehensive plan of public improvements looking to the present and future development of the municipality," without attempting to enumerate the various matters to be included in the plan.

5. **Legal Status of Plan.** Maps and plats of any subdivision within areas affected by the statute must conform to the applicable requirements of the official plan.

**B. County Planning.** See paragraph C, below.

**C. Regional, Metropolitan, and Area Planning.** Smith-Hurd Illinois Annotated Statutes, Chapter 34, Section 152a-152d, as amended by H. B. No. 95 (App. May 16, 1957).

The statute reads, in part, as follows:

"Whenever in the judgment of the county board of any county, a portion of all of said county as a region, should have a plan made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of said region, and of public improvements and utilities therein . . ., the county board is hereby empowered . . . to define the boundaries, of such region and to create a regional planning commission for the making of a regional plan. . . ." The county board is authorized to appropriate funds for the needs of the commission, and the regional planning commission is authorized to employ such assistance and do such other things as it may deem necessary to carry out the purposes of the act.

The statute also states that—

"If such region is situated in more than one county, the county boards of said counties are hereby empowered to cooperate in defining the boundaries of said region, and in the creation and

organization of one regional planning commission for such region so mutually defined, and are also hereby authorized to appropriate from their funds for the use of said regional planning commission . . . ."

All plans are to be advisory only, "unless said plan or portion of it may affect any city, village or incorporated town in which there is a planning commission, and in case said regional plan for such city, village or incorporated town is adopted by the city, village or incorporated town planning commission, said regional plan or such part thereof as may be adopted shall have such force and effect as by law may be provided."

A regional planning commission is authorized to accept and expend Federal funds.

**D. State Planning.** Smith-Hurd Illinois Annotated Statutes, including 1955 Supplement, Chapter 67 $\frac{1}{2}$ , Section 171. Under the State Housing Act the State Housing Board, in addition to its primary duties with respect to housing programs and conditions, is authorized "to cooperate with local housing or planning boards in the political subdivisions of the State, and stimulate the creation of such bodies; . . . to act as the official State Planning Agency and to accept and to use planning grants or other financial assistance from the federal government in aid or for the provision of planning assistance (including surveys, land use studies, urban renewal plans, technical services, and other planning work, but excluding plans for specific public works) in cities and other municipalities having a population of less than 25,000 according to the latest decennial census. Such grants not to exceed 50 per centum of the work for which the grant is made and to be subject to the terms and conditions prescribed by the federal government."

**E. Federal Assistance for Local Planning** See paragraph D, above.

# Indiana

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Burns' Indiana Statutes Annotated, 1951 Replacement Volume 10, including 1955 Supplement, Title 53, Chapter 7, Sections 53-701—53-794. This statute was originally enacted in 1947.

2. **Localities Where Applicable.** The statute applies to any city or town and to land within two miles of the corporate limits of such city or town.

3. **Powers Conferred.** The statute confers powers upon each city council or town board of trustees to create, by ordinance, a plan commission with certain expressed powers set forth in the statute and including the power to adopt, amend, and carry out a plan to "promote the orderly development of its governmental units and environs."

"In the case of cities located in counties now or hereafter having a county plan commission which has prepared a master plan for the unincorporated areas of the county and has had such master plan ordinance adopted by the board of county commissioners, in accordance with this act, the territorial jurisdiction of such city plan commission shall terminate at the corporate limits of such city."

The qualifications of members of the commission and their tenure of office are described in detail in the statute. The statute also provides that when a city plan commission exercises jurisdiction outside of the incorporated area of the city as provided by the act, the judge of the circuit court of the county in which the unincorporated area is located shall appoint to the commission two additional citizen members, who shall reside in the unincorporated area, and be of opposite political parties.

4. **The General City Plan.** "So as to assure the promotion of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process

of the development, the plan commission shall prepare a master plan. . . .

\* \* \*

"A city plan commission shall adopt a master plan for the development of the city and such contiguous unincorporated area outside the city as, in the judgment of the commission, bears reasonable relation to the development of the city. Such unincorporated area may extend not more than two (2) miles from the corporate limits of such city, except when limited by natural boundaries such as rivers and lakes or political subdivision boundaries of other cities, counties or States. In order to exercise the rights and privileges of this act over such unincorporated area, the city plan commission shall file the limits of such area with the county recorder of the county in which such city is located, and shall revise such limits, as they are altered from time to time, by subsequent filings.

"A master plan may include:

"1. Careful and comprehensive surveys and studies of existing conditions and the probable future growth of the city and its environs or of the county.

"2. Maps, plats, charts, and descriptive material presenting basic information, locations, extent and character of any of the following:

"(a) History, population and physical site conditions.

"(b) Land use, including the height, area, bulk, location and use of private and public structures and premises.

"(c) Population densities.

"(d) Community centers and neighborhood units.

"(e) Blighted and slum areas.

"(f) Streets and highways, including bridges, viaducts, subways, parkways, alleys and other public ways and places.

"(g) Sewers, sanitation and drainage, including handling, treatment and disposal of excess

drainage waters, sewage, garbage, refuse and other wastes.

"(h) Stream pollution.

"(i) Flood control and prevention.

"(j) Public and private utilities, including water, light, heat, communication and other services.

"(k) Transportation, including rail, bus, truck, air and water transport and their terminal facilities.

"(l) Local mass transit, including motor and trolley bus; street, elevated or underground railways and taxicabs.

"(m) Parks and recreation, including parks, playgrounds, reservations, forest, wild life refuges and other public grounds, spaces and facilities of a recreational nature.

"(n) Public buildings and institutions, including governmental administration and service buildings, hospitals, infirmaries, clinics, penal and correctional institutions and other civic and social service buildings.

"(o) Education, including location and extent of schools, colleges and universities.

"(p) Land utilization, including agriculture, forests, and other uses.

"(q) Conservation of water, soil, agricultural and mineral resources.

"(r) Any other factors which are a part of the physical, economic or social situation within the city or county.

3. Reports, maps, charts and recommendations setting forth plans for the development, redevelopment, improvement, extension and revision of the subjects and physical situations of the city or county set out in part 2 of this section so as to substantially accomplish the object of this legislation as set out in section 1 [§ 53-701] of this act."

5. **Legal Status of Plan.** "After adoption of the master plan and ordinance, the city council, the board of county commissioners or other

governing body within the territorial jurisdiction of the commission shall be guided by and give consideration to the general policy and pattern of development set out in the master plan in the:

"1. Authorization, construction, alteration or abandonment of public ways, public places, public structures or public utilities;

"2. Authorization, acceptance or construction of water mains, sewers, connections, facilities or utilities.

\* \* \*

"Within the corporate limits of a city, a structure shall not be located and an improvement location permit for a structure on platted or unplatted lands shall not be issued unless the structure and its location conform to the master plan and ordinance. A structure shall not be located and an improvement location permit shall not be issued for a structure on unincorporated lands within the jurisdiction of the commission unless the structure and its location conform to the master plan and ordinance. . . ." (Section 53-753.)

**B. County Planning.** The statute, cited in paragraph A.1, above, also applies to counties, and the general powers granted to counties are comparable to those granted to cities and towns. The county plan commission consists of five citizen members appointed by the county commissioners, not more than three of whom may be members of the same political party.

A county plan commission may, under the statute, carry on the planning activities of a city plan commission. "Any city designating a county plan commission as its city plan commission may contract annually to pay the county a proportionate part of the expense which is properly chargeable to the planning service rendered such city and any such payments received by the county shall be appropriated by the county to the county plan commission in addition to any funds budgeted for planning purposes."

**C. Regional, Metropolitan, and Area Planning.** (a) Burns' Indiana Statutes Annotated,

1951 Replacement Volume 10, including 1955 Supplement, Title 53, Chapter 8, Sections 53-801—53-809. This statute provides for the consolidation of the planning operations of counties of from 125,000 to 175,000 population and cities therein of more than 125,000 population into a metropolitan planning commission, when the respective legislative bodies judge such a consolidation provides a more efficient planning operation. The metropolitan plan commission serves in an advisory capacity to the presently established boards and officials of the city and county; its functions and duties are to "include those commonly assigned to the city plan commission and the county plan commission by the existing laws of the State of Indiana."

The compiler's note indicates that as of the 1950 U. S. Census the only county qualifying was Vanderburgh County, whose principal city is Evansville, Indiana.

(b) Burns' Indiana Statutes Annotated, 1951 Replacement Volume 10, including 1955 Supplement, Title 53, Chapter 9, Sections 53-901—53-985. This statute establishes a single planning and zoning authority in counties containing first class cities, which are defined by Section 48-1201 as "cities having a population of two hundred fifty thousand or over. . . ." (As of the 1950 U. S. Census only Indianapolis, Indiana, falls within the terms of the act.)

The statute "creates a metropolitan planning department in the county government, composed of a metropolitan plan commission, a board of zoning appeals, an executive director, and such staff as the plan commission considers necessary." The plan commission consists of eleven members, five official members, and six citizen members.

Any prior master plan remains in effect until it is superseded by the metropolitan planning commission's establishment of a comprehensive or master plan of the county. The material to be included is exactly that outlined above in paragraph A.4.

(c) Indiana Laws 1957, Chapter 188. This statute authorizes cities, towns, and counties to establish cooperatively single and unified planning and zoning agencies on a county-wide basis. In any county in the State there may be established an Area Planning Department composed of an Area Plan Commission, a Board of Zoning Appeals, and an Executive Director. The Area Plan Commission is to prepare a master plan for the area, including topic material exactly as outlined in A.4, above.

**D. State Planning.** No provision. The Indiana Economic Council performs certain planning activities confined primarily to economic and natural resources. (Burns' Indiana Statutes Annotated, 1943 Replacement Volume 11, including 1955 Supplement, Title 60, Chapter 14, Sections 60-1401—60-1405).

**E. Federal Assistance for Local Planning.** Sections 61-1301—61-1305 represent a very general authorization for the State or any of its subdivisions to accept Federal funds, to cooperate with the Federal Government, and to effectuate the purposes of Federal law.

The statute establishing the metropolitan plan commission for Marion County (paragraph C (b), above), provides at Section 53-923, titled "Gifts"—"A county may accept gifts, donations, and grants from private or governmental sources for department purposes. Any moneys so accepted shall be deposited with the county in a special non-reverting plan commission fund to be available for expenditure by the metropolitan plan commission for the purposes designated by the donor. . . ."

The statute authorizing any county to establish an area plan commission provides at Section 31 ". . . This section shall be specific authority to enter into grants-in-aid agreements under section 701 of an act entitled 'An Act to aid in the provision and improvement of housing, the elimination and prevention of slums, and the conservation and development of urban communities,' being Public Law 560, Acts of Congress, August 2, 1954."

# Iowa

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Iowa Code Annotated, including 1955 Supplement, Volume 19, Chapter 373, Sections 373.1-373.20. This statute was originally enacted in 1925.

2. **Localities Where Applicable.** This statute applies to any city or town and to any land outside thereof which in the opinion of the planning commission bears relation to a comprehensive plan for the municipality.

3. **Powers Conferred.** The statute confers the power upon the council of each city and town to provide, by ordinance, for the establishment of a city plan commission for such municipality, and it confers power upon the planning agency to make comprehensive studies of present conditions and future growth of the municipality for the purpose of making a comprehensive plan for the municipality.

"Such city plan commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of such municipality and of any land outside thereof which in the opinion of such commission bears relation to a comprehensive plan, and shall bring to the attention of the council and may publish its studies and recommendations."

4. **The General City Plan.** "For the purpose of making a comprehensive plan for the physical development of the municipality, the city plan commission shall make careful and comprehensive studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a co-ordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

"Before adopting the said comprehensive plan, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the municipality, not less than ten nor more than twenty days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds of the members of the commission. After adoption of said plan by the commission, an attested copy thereof shall be certified to the council of said municipality and the council may approve the same, and when said plan or any modification or amendment thereof shall receive the approval of the council, the said plan until subsequently modified or amended as authorized by this section and sections 373.18 and 373.20 shall constitute the official city plan of the said municipality.

"When such comprehensive plan has been adopted as above provided for, no substantial amendment or modification thereof shall be made without such proposed change being first referred to the city plan commission for its recommendation. If the city plan commission disapproves the proposed change, it may be adopted by the city council only by the affirmative vote of at least three-fourths of all the membership of such council."

5. **Legal Status of Plan.** No specific provision.

**B. County Planning.** The county zoning laws (Iowa Code Annotated, including 1955 Supplement, Ch. 358A, Secs. 358A.1-358A.26) make provision for both county and district planning (within the county) in any county of the State at the option of its board of supervisors. District planning, within a county, is a limited type of regional planning. The zoning commission is empowered to carry on the planning activities.

"Subject to the provisions of sections 358A.1 to

358A.2, the board of supervisors of any county is hereby empowered to regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and to regulate, restrict and prohibit the use for residential purposes of tents, trailers and portable or potentially portable structures; provided that such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city or town; provided further that no restriction of industrial or commercial enterprise, buildings or structures in unincorporated areas shall become effective until approved by a majority of the real property taxpayers owning real property in the area or district in which such restriction is to be imposed, either (1) at an election held for that purpose, or (2) by their signing an appropriate document indicating their approval.

"For any and all of said purposes the board of supervisors may divide the county, or any area or areas within the county, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

"Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street or highway; to secure safety from fire, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowd-

ing of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

"Such regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar

suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county."

The statute specifies the penalties for the violation of any ordinance or regulation made under the authority of the statute.

C. Regional, Metropolitan, and Area Planning. No specific provision (except as to permitted by county districts as described in paragraph B, above).

D. State Planning. No specific provision

E. Federal Assistance for Local Planning. No specific provision.

# Kansas

**A. Municipal Planning. 1. The Urban Planning Statutes.** (a) The general urban planning statute—General Statutes of Kansas Annotated (1949), including 1955 Supplement, Chapter 12, Article 7, Sections 12-701—12-706. The statute as originally enacted in 1921.

(b) The special urban planning statute—General Statutes of Kansas Annotated (1949), including 1955 Supplement, Chapter 13, Article 11, Sections 13-1108—13-1114. This statute was originally enacted in 1941.

**2. Localities Where Applicable.** (a) The general urban planning statute—The statute applies to cities and to land outside thereof, which in the opinion of the commission bears relation to the planning of the city. Classes of cities to which the statute applies are cities of the first class (with over 15,000 population), cities of the second class (from 2,000 to 15,000 population), and cities of the third class (including towns and villages, that have not more than 2,000 population).

(b) The special urban planning statute—The statute applies to cities of the first class having a population of more than sixty thousand which have created a city planning commission under the provisions of Section 12-701 of the General Statutes. The statute states, however, that it shall not apply to any county other than the one in which the city may be located. (As of the 1950 U. S. Census cities in Kansas with a population exceeding 60,000 are Kansas City, Topeka, and Wichita.)

**3. Powers Conferred.** (a) The general urban planning statute—The powers and duties of the commission shall be to make plans and maps of a whole or any portion of such municipality, and of any land outside of the municipality, which in the opinion of the commission bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable.

(b) The special urban planning statute—The planning commission is required to make or cause to be made, and to adopt a master city plan for the physical development of the municipality, and of any land outside of the municipality, which in the opinion of the commission bears relation to the planning of the municipality.

**4. The General City Plan.** (a) The general urban planning statute—"Such maps or plans shall show the commission's recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds, or any other public ground or public improvements; and the removal, relocation, widening or extension of such public works then existing with a view to the systematic planning of the municipality, the commission may make recommendations to the governing body concerning the location of streets, transportation and communication facilities, public buildings and grounds. Whenever the commission shall have made and agreed upon a plan for the development of the municipality or any portion thereof, such plan or plans shall be submitted to the governing body for their consideration and action."

(b) The special urban planning statute—"The master city plan, with accompanying maps, plats, charts and descriptive matter "shall show the commission's recommendations for the development and redevelopment of the territory, including the general location, character, and extent of streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds, waterways, water fronts, boulevards, squares, aviation fields, and other public ways, grounds and open spaces, the general location of public buildings, and other public property, and the general location and extent of public utilities and terminals; also the removal, location, widening, narrowing, vacating, abandonment, change of use or extension of any public ways, grounds, open spaces, buildings,

property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, use and intensity of use of buildings and premises. The planning commission may from time to time amend, extend, or add to the master plan, and may publish all or parts thereof. In the preparation of such master plan the planning commission shall make or cause to be made careful and comprehensive surveys and studies of present conditions and trends of future growth of the municipality to any neighboring territory. The plan shall be made and used for the general purpose of building and accomplishing a coordinated, adjusted and harmonious development or redevelopment of the municipality and its environs which will, in accordance with present and future needs, best promote the health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development or redevelopment; including adequate provisions for traffic, the promotion of safety from fire or other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public requirements."

**5. Legal Status of Plan.** (a) The general urban planning statute—The planning commission submits recommendations, which are adopted in the form of an ordinance or resolution.

(b) The special urban planning statute—"Whenever the planning commission shall have adopted and certified the master plan of the municipality or of one or more major sections or districts thereof, then and henceforth no improvement of a type embraced within the recommendations of the master plan or portion thereof shall be constructed without the proposed plans of improvement thereof first being submitted to the planning commission for their study and re-



port. If the planning commission does not make a report within thirty days, the project shall be deemed to have been approved by the planning commission: Provided, in case of disapproval the planning commission shall submit forthwith in writing the cause of such disapproval, and such governing body may, by a recorded vote of two-thirds majority of its membership, overrule the disapproval of the planning commission."

**B. County Planning.** General Statutes of Kansas Annotated (1949), including 1955 Supplement, and as amended by Kansas Laws 1957, Chapter 186, (H. B. No. 107, app. April 3, 1957), Chapter 19, Article 29, Section 2914, et seq. This statute applies only to certain counties. Pertinent statutory provisions are:

"For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving and protecting property and building values throughout any county under the terms of this act, and lessening or avoiding congestion in the public streets or highways, the county commissioners of all counties in this state having a population of more than ten thousand inhabitants and less than two hundred-fifty thousand inhabitants may provide for the prepa-

ration, adoption, amendment, extension and carrying out of a county plan in accordance with the provisions of this act.

\* \* \*

"The planning board shall make, adopt and may publish an official master plan of the county for the purpose of bringing about coordinated physical development in accordance with the present and future needs. The master plan shall be developed so as to conserve the natural resources of the county to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants. Such master plan may include studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wild-life refuges, dams, and projects affecting conservation of natural resources. The board may adopt the master plan in whole or in part and subsequently amend or extend the adopted plan or portion thereof. . . . From and after the adoption of the master plan or portion thereof and its proper certification, then and thenceforth no improvement of a type em-

braced within the recommendations of the master plan shall be constructed or authorized without first submitting the proposed plans thereof to the planning board and receiving the written approval and recommendations of said board."

**C. Regional, Metropolitan, and Area Planning.** Kansas Laws of 1957, Chapter 101 (S. B. No. 11, app. April 8, 1957), authorizes the establishment of joint planning commissions by two or more cities or counties, or any county and city or cities for the particular metropolitan area or region. Such a metropolitan or regional commission is to make plans for the development of the area, including recommendations for principal highways, bridges, airports, parks and recreational areas, schools and public institutions, and public utilities. The method of operation, the number and qualification of the commission's members, the share of costs of expenses is to be determined by the joint agreement of the participating governmental units. Such commissions are authorized to accept funds and moneys from the Federal Government.

**D. State Planning.** No specific provisions.

**E. Federal Assistance for Local Planning.** No specific provision.



# Kentucky

**A. Municipal Planning. 1. The Urban Planning Statute.** Kentucky Revised Statutes (1956), Chapter 100, Sections 100.010 to 100.990. This statute was originally enacted in 1942.

**2. Localities Where Applicable.** The statute applies to (a) cities of the first class (100,000 or more population) and five miles beyond and the counties (jointly) in which they are located; (b) cities of the second class (from 20,000 to 100,000 population) and three miles beyond; and (c) cities of the third (8,000 to 20,000 population), fourth (3,000 to 8,000 population), fifth (1,000 to 3,000 population), and sixth (less than 1,000 population) class.

**3. Powers Conferred.** (a) Joint city and county planning and zoning commissions (Louisville is the only city of the first class)---

The statute confers powers on any city of the first class and the county in which it is located to enter into an agreement to regulate the physical development of their incorporated and unincorporated areas, including planning and zoning. The commission has the specific function and duty of preparing and approving a "comprehensive plan" for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of areas of the entire county. The comprehensive plan shall include a master plan. The commission shall promote public interest in and understanding of the plan and parts thereof; and it also has (by express language of the statute) such general powers as may be necessary to enable it to fulfill its duties and functions, to promote municipal and county planning and to carry out the general purposes of the act.

The statute also provides that either the city or county may withdraw from the agreement between them, and establish their own planning commission with virtually the same powers (to operate independently) as those provided for joint operation.

The commission consists of 10 members, 4 of

whom are ex officio (the mayor, director of works of the city, the county judge, and the county road engineer) and 6 who are appointed (3 by the mayor and 3 by the county judge).

(b) Cities of the second class---

While cities of the second class do not have, by statute, the broad or "general" powers as expressly conferred on first class cities and counties (jointly), they have, in effect, similar powers, which expressly include the following:

"(1) The commission may make and adopt plans and maps of the whole or any portion of the city of the second class, and of any land within the municipal area, and it may make changes in the plans or maps when it deems it advisable.

"(2) In the maps or plans the commission may provide, among other things, for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds, or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment or extension of any public ways or works or structures with a view to the systematic planning of the city and its environs.

\* \* \*

"... The commission may make or adopt maps or plans showing the zones or districts, or changes, with appropriate designations and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of popu-

lation, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes."

The commission consists of seven members, five city members and two county members.

(c) Cities of third, fourth, fifth, and sixth class---

Any city of the third, fourth, fifth, or sixth class may make, adopt, amend or carry out a plan as provided in the statute, and create by ordinance a city planning commission, consisting of seven members (the mayor, an administrative official of the city (selected by the mayor), a member of the legislative body (selected by that body), as ex officio, and four persons appointed by the mayor).

In order to promote public interest in and understanding of the plan, the commission may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine.

## 4. The General City Plan.

(a) City and county planning and zoning commissions---

"The master plan, which is a part of the comprehensive plan, for the development of the territory covered thereby, with accompanying maps, plats, charts, descriptive and explanatory matter shall show and include the general location, character and extent of public streets, roads, major streets and arterial highways, viaducts, bridges, waterways, and water fronts, parkways, and other public ways, public playgrounds, reservations, parks, airports and other public grounds, places and buildings; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication, and other purposes; the proposed dedication, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of the aforesaid public ways, grounds, places, buildings, properties, and utilities or terminals; the general

character, location and extent of community centers, town sites or housing developments; the general location and extent of forest and open-development areas for purposes of conservation of food, soil, and water supply, sanitary and drainage facilities, and for the protection of urban and nonurban development."

(b) Cities of the second class and their municipal area—

Any second-class city may provide, among other things, for changed regulations of all facilities for traffic transportation or communication and for new or changed harbors, street fixtures, or other public improvements or appurtenances, and generally plan in a manner similar to city and county commissions.

(c) Cities of the third, fourth, fifth, and sixth class—

The commission shall make and adopt a master plan for the physical development of the city and the municipal area. The plan, with accompanying descriptive matter, may show the commission's recommendations for the development of the territory, including generally the same subjects covered by city and county planning commissions.

**5. Legal Status of Plan.** While the statute contains no express provision as to the legal status of the joint plan for cities of the first class and counties or cities of the second class, it provides, with respect to cities of the third, fourth, fifth and sixth class, that whenever the commission has adopted the master plan of the city or of one or more major districts, no street, square, park or other public ground, or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned district until the location, character, and extent thereof has been approved by the commission.

**B. County Planning.** See paragraphs A.2, 3, d 4, above, for authority.

**C. Regional, Metropolitan, and Area Planning.** Kentucky Revised Statutes (1956), Chapter 147, Sections 147.130-147.180. "The Planning

Commission of any city of the third, fourth, fifth, or sixth class, the fiscal court of any county or any one hundred citizens, by signed petition, may apply to the Governor for the establishment of a region for planning purposes and the appointment of a regional planning commission for that region. . . . If the Governor finds that, by reason of urban development not corresponding to existing municipal boundary lines or by reason of other trends in the growth and distribution of population, commerce and industry, or by reason of topographic or other conditions, two or more separate cities of the third, fourth, fifth, or sixth class or the territory of one or more such cities and neighborhood nonmunicipal territory have common problems of such nature as to be incapable of intelligent, economical and adequate solution by means of the separate planning of each separate political unit, and require, for solution, a general plan of the physical development of the entire area of such cities or territories as a whole, he shall grant the application, define the boundaries of the region and appoint a regional planning commission."

The commission, which consists of nine persons appointed by the Governor, has the duty of drawing a master plan for the whole region. It may include the general location of forests, agricultural and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of future urban development; and a zoning plan for the control of the height and area of the bulk, location and use of buildings and premises, and of the density of population.

The purpose is to guide a coordinated, adjusted and harmonious development of the region.

After adopting the regional plan, the regional planning commission is required to certify copies to the Governor, to the planning commission of each city of the third, fourth, fifth, or sixth class within the region, to the legislative body of each city of those classes not having a planning commission, to the fiscal court of each county wholly or partly included in the region, and to other or-

ganized taxing districts or political subdivisions wholly or partly included in the region.

Sections 147.190 through 147.250 provide for the State Capital Planning and Zoning Commission whose duty it is to develop a comprehensive and coordinated plan for the State Capital and its environs.

**D. State Planning.** Kentucky Revised Statutes (1956), Chapter, 147, Sections 147.070-147.120. This statute, enacted in 1956, provides for the exercise of planning functions by the Governor's Cabinet. It is authorized to prepare and adopt plans for complete systems of State or regional highways, parks, forest reservations; to coordinate all local physical development plans that are related to State activities; to make surveys concerning the utilization of rural lands; to cooperate with planning boards of other States and the National Planning Board; and generally to promote proper State planning.

The Department of Economic Development (KRS (1956), Sections 152.010-152.080) is also authorized to perform planning functions. "The department shall prepare and publish, or cause to be prepared and published, maps, planning studies, surveys pertaining to soil conditions, land use and classification, distribution of population, educational facilities, parks and playgrounds, highways, rail and water transportation, traffic, water supply, drainage, flood control, sewerage, building and housing conditions, urban development and redevelopment, subdivision control, planning and zoning and other matters, relating to the physical and economic development of the Commonwealth." (Section 152.070).

**E. Federal Assistance for Local Planning.** The statute, cited in paragraph D, above, provides at section 147.110: "The Governor's Cabinet may accept and use any funds provided by the United States Government or any agency thereof for the purposes defined in KRS 147.070 to 147.100. The funds shall be expended as agreed upon between the cabinet and the United States Government or agency."

# Louisiana

**Municipal Planning.** 1. **The Urban Plan-Statute.** West's Louisiana Statutes Anno-including 1956 Supplement, Title 33, Chap-Part IV (Physical Development of Parishes municipalities), Sub-part A (Planning Com-mons). This statute was originally enacted 3.

**Localities Where Applicable.** This statute s to any municipality (which term is de-to include any incorporated city, town, or ) or parish.

**Powers Conferred.** Any municipality or may make, adopt, amend, extend, add to, ey out official plans as provided in the stat-and it may create by ordinance a planning ssion with such powers and duties as are ized by statute and may appropriate funds a commission.

municipal planning commission shall consist less than five members, nor more than nine rs, at the discretion of the local legislative all to be appointed by the chief executive municipality. A parish planning commis-all consist of five members to be appointed o police jury or other parish governing city.

**The General City Plan.** "A municipal ing commission shall make and adopt a : plan for the physical development of the ipality." (The parish planning commission for the development of the unincorporated y of the parish.)

ch plan, with the accompanying maps, plats, , and descriptive matter shall show a com-on's recommendations for the development of arish or municipality including, among other s, the general location, character, and ex-f railroads, highways, streets, viaducts, sub-bus, street car and other transportation s, bridges, waterways, lakes, water fronts, vards, parkways, playgrounds, squares,

parks, aviation fields, and other public ways, grounds, and open spaces; the general location of public buildings, schools, and other public prop-erty; the general character, extent and layout of public housing and of the replanning of blighted districts and slum areas; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation communication, power, transportation and other purposes; and the re-moval, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, build-ings, property, utilities or terminals; as well as, in the case of a parish planning commission, a zoning plan for the control of the height, area, bulk, location and use of the buildings and prem-ises in urban areas or areas suitable for urbaniza-tion outside municipal limits. As the work of making the whole master plan progresses, a com-mission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the munici-pality or one or more of the aforesaid or other functional matters to be included in the plan. A commission may from time to time amend, extend, or add to the plan.

"Where a municipal planning commission has been established under the authority of this Sub-part, it shall also serve as a municipal zoning commission, and when acting as such, it shall hold separate meetings with separate minutes and records."

**5. Legal Status of Plan.** Whenever a com-mission has adopted a master plan of a parish or municipality, or one or more major sections or districts thereof and has filed certified copies there-of as provided in R. S. 33: 108, no street, square, part or other public way, ground, or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be

constructed or authorized in the parish or munic-ipality, or in such planned section or district until the location, character and extent thereof has been submitted to and approved by the commission. In case of disapproval the commission shall com-municate its reasons to the local legislative body, which shall have the power to overrule such dis-approval by a recorded vote of not less than two-thirds of its entire membership. However, if the public way, ground, space, building, structure, or utility is one the authorization of financing of which does not, under the law or charter provisions governing same, fall within the province of the local legislative body, then the submission to a planning commission shall be by the board, com-mission, or body having such jurisdiction, and a planning commission's disapproval may be over-ruled by said board, commission, or body by a vote of not less than two-thirds of its membership. The failure of a commission to act within sixty days from and after the date of official submission to a commission shall be deemed approval.

**B. County Planning.** In addition to the pro-visions quoted above, there are provisions under Sub-part B for the creation of a parish (county) development board, whose duty it is to prepare a plan and report for the development of the re-sources and facilities of the parish. These pro-visions, however, do not apply to any parish con-taining a municipality with a population of more than 300,000. Furthermore, a parish may create either a planning commission or a development board, but cannot maintain both in existence at the same time.

**C. Regional, Metropolitan, and Area Plan-nig.** Sub-part C, which represents a 1956 addi-tion to the statute cited in paragraph A.1, above, provides for regional planning. (Acts of La. 1956, No. 239.) "The legislative bodies of any munici-pality and a surrounding or contiguous parish; of

any two or more contiguous municipalities; or of any one or more municipalities and one or more parishes all forming a single urbanized or suburbanized area are hereby authorized to create a regional planning area out of their combined territories."

The regional planning commission, consisting of not less than five, nor more than nine members, shall prepare plans for the development of the region; it may also "request and accept grants of funds or services from the federal government or any of its agencies."

**D. State Planning.** West's Louisiana Statutes Annotated, including 1956 Supplement, Title 38, Chapter 1, Section 2. This statute provides that the functions of the Department of Public Works shall comprise all of the administrative functions of the State in relation to such subjects as housing development and State planning.

**E. Federal Assistance for Local Planning.** The statute cited in paragraph D, above, provides at Section 5.1: "For the purpose of providing planning assistance to municipal, parish, regional and other planning agencies of the State of Loui-

siana in the solution of their planning problem the Department of Public Works, State of Louisiana, be and is authorized to apply for and accept grants of money from the government of the United States or any federal agencies in connection with such assistance and, to this end, the said department may contract with the United States or such federal agencies for the acceptance of such grants including any requirement for matching said grants in whole or in part."

See also paragraph C, above.

# Maine

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Revised Statutes of Maine, Chapter 90-A, Sections 61-63, added by Chapter 405, Laws of Maine 1957 (H. B. No. 320, app. May 29, 1957). Prior to this statute the operative provisions were Sections 93-99 of Chapter 91, R. S. (1954).

2. **Localities Where Applicable.** The statute applies to any municipality (city or town) and any village corporation. In the event of a conflict between the zoning provisions of a village corporation and those of a municipality of which the village corporation is a part, the provisions of the municipality prevail.

3. **Powers Conferred.** The statute authorizes the municipal officers of any municipality to establish a planning board, consisting of five members and two associate members. The board shall prepare, adopt, and may amend a comprehensive plan containing its recommendations for the development of the municipality. It is also authorized to prepare a zoning ordinance for the municipality.

4. **The General City Plan.** "The board shall prepare, adopt, and may amend a comprehensive plan containing its recommendations for the development of the municipality. Among other things, the plans may include the proposed general character, location, use, construction, layout, extent, size, and open spaces and population density of all real estate, and proposed method of rehabilitating blighted districts and eliminating slum areas."

"A zoning ordinance shall be drafted as an integral part of a comprehensive plan for municipal development, and promotion of the health, safety and general welfare of the residents of the municipality. . . . The board shall prepare a zoning map outlining each zone established or modified by the municipality. The map shall be filed in the office of the clerk."

5. **Legal Status of Plan.** The board shall hold a public hearing on its tentative proposals, before it adopts the plan or an amendment of it. Once adopted by the board, the plan becomes a public record. It shall be filed in the office of the clerk.

"After the board has adopted the plan, an ordinance or official map authorized by this section may not be enacted, or amended, and public property may not be established or modified in location or extent, until the board has made a careful investigation and reported its pertinent recommendations which are consistent with the plan. The board shall make its official report at the next meeting of the legislative body which is held not less than 30 days after the proposal has been submitted to the board. The failure of the board to issue its report constitutes approval of the proposal. A proposal which has been disapproved by the board may be enacted only by a  $\frac{2}{3}$  vote of the legislative body."

**B. County Planning.** See paragraph C, below.

**C. Regional, Metropolitan, and Area Planning.** The statute cited at paragraph A.1, above, also provides for regional planning at sections 64 and 65. The purpose of these sections is to enable municipalities and counties to join in the formation of regional planning commissions whose duty it is to prepare a comprehensive regional plan containing its recommendations for the development of the area within its jurisdiction.

"Among other things, the commission may make recommendations for the use of land, the general location, extent, type of use, character, and development of public ways, public property, public utilities and services, and for the improvement, redevelopment, rehabilitation and conservation of industrial, commercial, residential and other areas."

**D. State Planning.** Revised Statutes of Maine (1954), including 1955 Supplement, Chapter 38-A, Sections 1-11. This statute creates a Department of Development of Industry and Commerce, headed by a commissioner appointed by the Governor for four years.

The Division of Research and Planning is empowered to prepare a master plan for the physical development of the State. Among other things the master plan is to attempt to bring into suitable relation the use of land, soil, water and natural resources; the distribution of population; agriculture; industry; transportation and communication facilities. This division is "to assist in planning any public or private project involving federal grants or loans; advise, compare and otherwise cooperate with municipal planning boards, agencies, officials, civil and other groups and citizens in matters relating to zoning, and planning relating to schools, housing, health, land use controls, assessment and taxation and other objectives; initiate, encourage and assist local planning boards and other municipal agencies and officials in regional planning."

**E. Federal Assistance for Local Planning.** The statute cited in paragraph D, above, provides: "The commissioner is authorized and empowered to accept for the State any federal funds apportioned under the provisions of federal law relating to urban planning and planned public works and to do such acts as are necessary for the purpose of carrying out the provisions of such federal law. . . ."

The authorization for urban planning, cited in paragraph A. 1, above, provides: "A municipality which has a planning board may raise or appropriate money and may contract with the State and Federal Governments for the purposes of the comprehensive planning authorized by this section."

# Maryland

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Annotated Code of Maryland (1957), Article 66B, Title 1, Sections 10-20 and Title 5, Sections 34-37. This statute was originally enacted in 1933.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include "counties, towns, villages, or other incorporated political subdivisions") and to land outside thereof which in the opinion of the planning commission bears relation to the planning for the municipality.

3. **Powers Conferred.** "Any municipality is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this sub-title and create by ordinance a Planning Commission with the powers and duties herein set forth.

"The Commission shall consist of five members, namely, a member of the Council and four persons who shall be appointed by the mayor, and confirmed by the council, if the mayor be an elective officer, otherwise by such officer as council may in the ordinance creating the Commission designate as the appointing power. All members of the Commission shall serve as such without compensation."

4. **The General City Plan.** "It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the Commission's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards,

parkways, playgrounds, squares, public buildings, parks, aviation fields, and other public ways, grounds and open spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. The Commission may from time to time amend, extend, or add to the plan."

5. **Legal Status of Plan.** "Whenever the Commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof no street, square, part or other public way, ground, or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the Commission; provided, that in case of disapproval the Commission shall communicate its reason to council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. . . ."

**B. County Planning.** See paragraph A.2, above.

A Planning Board of nine members is established for Baltimore County by Maryland Laws 1955, Chapter 610. The Board shall prepare and adopt a master plan for the development of Baltimore County, and is to include proposals for: uses of land and buildings; transportation; housing; public facilities. The master plan may in-

clude areas outside the boundaries of Baltimore County, which the Board thinks bear an essential relation to the planning of the County.

**C. Regional, Metropolitan, and Area Planning.** The statute cited in paragraph A.1, above, contains no provision for regional plans, except for certain areas near the District of Columbia for which special provision is made for joint planning with the District of Columbia.

**D. State Planning.** (a) Annotated Code of Maryland (1957), Article 88C, Sections 1-8. This statute creates a State Planning Commission with power to prepare and keep up to date a long-term development program of major State improvement projects, to coordinate such plans and proposals with each other and with the general plans of such Commission, and to submit to the Governor and the General Assembly a report at least once every 2 years showing the Commission's recommendations and program for improvement projects.

(b) Annotated Code of Maryland (1957), Article 88C, Sections 9-17.

This statute creates a Temporary Planning Commission on postwar reconstruction and development to undertake, among other things, surveys and studies concerning the planning and design of public housing.

**E. Federal Assistance for Local Planning.** Annotated Code of Maryland (1957), Article 88C, Section 18. "The [State] Planning Commission and metropolitan, regional and joint planning agencies are authorized to accept and expend grants from the Federal Government and other public or private sources, to contract with reference thereto, and to enter into contracts and exercise all other powers necessary to carry out the purposes of this section."—namely, to facilitate urban planning in cities and other municipalities.



# Massachusetts

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Annotated Laws of Massachusetts, including 1955 Supplement, Chapter 41, Sections 81A-81Y. This statute was originally enacted in 1913.

2. **Localities Where Applicable.** (a) This statute applies to any city (except Boston) or town with a population of more than 10,000, and apparently has no extraterritorial effect. (While Boston is excepted from the statute cited, planning functions are performed in the City of Boston under provisions of a city ordinance—Revised Ordinances of 1947 of the City of Boston, Ch. 12, p. 26.)

(b) Also, "towns of less than ten thousand inhabitants, having no planning board established under the statute may, by vote of the town meeting, authorize the board of selectmen to act as a planning board under the statute until such a board is established; provided, that any such town, upon attaining a population of ten thousand, shall establish a planning board under the statute."

3. **Powers Conferred.** The planning board is authorized to make, carry out, add to or change a "master or study plan" for such city or town as it deems advisable.

The planning board consists of not less than five nor more than nine members, who, in cities, are appointed by the mayor, subject to confirmation by the city council, and in towns, are elected at the annual town meeting.

4. **The General City Plan.** "A planning board established in any city or town under section eighty-one A shall make a master or study plan of such city or town or such part or parts thereof as said Board may deem advisable and from time to time may extend or perfect such plan. Such plan shall show, among other things, existing and desirable proposed public ways, street grades, public places, bridges and tunnels, viaducts, parks, parkways, playgrounds, sites for public buildings and structures, building and zoning districts, pier-

head and bulkhead lines, waterways, routes of railroads, buses and ferries, and locations of sewers, water conduits and other public utilities, and other pertinent features of such a plan, including existing private ways. Such planning board, after consultation with the municipal agencies charged with enforcing housing laws, ordinances, by-laws or regulations, and with the local housing or redevelopment authority, if any, shall designate in such plan, conservation, rehabilitation and redevelopment areas for the purpose of guiding residential protection, neighborhood improvement, and urban renewal programs. Such plan shall be made, and may be added to or changed from time to time, by a majority vote of such planning board and shall be a public record."

Sections 81K through 81GG comprise the new "subdivision control law". Its purpose is to regulate the laying out and construction of ways in subdivisions, insuring sanitary conditions in subdivisions, and in proper cases parks and open areas. The planning board of the city or town enforces and administers the law.

5. **Legal Status of Plan.** "Sections eighty-one A to eighty-one J, inclusive, shall not abridge the powers of the city council or the selectmen or any other municipal officer in regard to public ways or parks in any manner except as provided therein, nor shall they authorize the taking of land or the laying out or construction of any way or park shown on a map or plan, or the alteration, relocation or discontinuation thereof, except in accordance with the laws governing the same; provided, that after a city or town has adopted an official map under section eighty-one E, no public way shall be laid out, altered, relocated or discontinued if such laying out, alteration, relocation or discontinuance is not in accordance with such official map as it then appears, unless the proposed laying out, alteration, relocation or discontinuance has been referred to the planning board established under section eighty-one A, and such board has reported

thereon, or has allowed forty-five days to elapse after such reference, without submitting its report. After a city or town has adopted an official map under section eighty-one E, no person shall open a way for public use, except as provided in the subdivision control law, unless the location of such way is in accordance with such official map as it then appears, or has been approved by the planning board under the provisions of this section, and, in either case, the grading, surfacing and drainage of such way has been approved by such board. . . ."

B. **County Planning.** No specific provision.

C. **Regional, Metropolitan, and Area Planning.** Annotated Laws of Massachusetts, including 1955 Supplement, Chapter 40B, Sections 1-7. Any group of cities, towns, or cities and towns may establish a planning district by vote of their respective councils; the department of commerce must first determine that such grouping will constitute an effective region for planning purposes. The planning commission shall prepare a comprehensive or study plan of the district and make recommendations for its physical, social and economic development. The membership of the commission is made up of one member of the planning board of each city or town in the district.

D. **State Planning.** Annotated Laws of Massachusetts, including 1955 Supplement, Chapter 23A, Section 6. There is established under the Department of Commerce a Division of Planning. It is to prepare a master plan for the development of the commonwealth; initiate, encourage and assist local planning boards; assist in planning projects which are financed through Federal grants or loans.

E. **Federal Assistance for Local Planning.** The statute cited in paragraph D, above, provides: "The division of planning shall (i) accept from the federal government such grants and from municipalities such funds as may be necessary for the purpose of carrying out any of the provisions of clauses (b), (e) and (f)."



# Michigan

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Michigan Statutes Annotated, including 1956 current material, Title 5, Chapter 54, Sections 5.2991-5.3005 (5). This statute was originally enacted in 1931.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include cities, villages, townships, charter townships, and other incorporated political subdivisions) and to areas outside thereof which in the judgment of the planning commission bear relation to planning for the municipality.

3. **Powers Conferred.** "Any municipality is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this act and create by ordinance a planning commission with the powers and duties herein set forth."

The commission consists of nine members who represent, in so far as is possible, different professions or occupations. They are appointed by the mayor, if the mayor be an elective officer, otherwise by such officer as the council may in the ordinance creating the commission designate as the appointing power, but such appointment is always subject to the approval by a majority vote of the members elect of the legislative body of the municipality.

4. **The General City Plan.** "It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, playgrounds and open spaces, the general location of

public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; the general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout of the planning and redevelopment of blighted districts and slum areas; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality of one or more of the aforesaid or other functional matters to be included in the plan. The commission may from time to time amend, extend, or add to the plan.

"In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relocation to the neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, and the promotion of

good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements."

5. **Legal Status of Plan.** "Whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof no street, square, park, or other public way, ground, or open space, or public building or structure, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the commission. . . ." The council can overrule the planning commission's disapproval by a two-thirds vote of its members.

**B. County Planning.** Michigan Statutes Annotated, including 1956 current material, Title 5, Chapter 46, Sections 5.1192 (1)-5.1192 (7). This statute was originally enacted in 1945.

"Any County is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a county plan as provided in this act and create by ordinance a planning commission with the powers and duties herein set forth. The planning commission of a county shall be designated the county planning commission. . . .

"The commission shall consist of not less than 11 or more than 11 members who shall individually be representative of important segments of the economic, governmental, social life and development of the particular county, in accordance with the major interests as they exist in said county such as agriculture, recreation, education, government, transportation, industry, and commerce. . . .

\* \* \*

"It shall be the duty of the county planning commission to adopt a plan for the development of the county, which plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent

to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole. The plan with accompanying maps, plats, charts, and all pertinent and descriptive explanatory matter shall show the planning commission's recommendations for the development of the county. . . . The county planning commission may serve as a coordinating agency for all planning committees and commissions within the county."

**C. Regional, Metropolitan, and Area Planning.** Michigan Statutes Annotated, including 1956 current material, Title 5, Chapter 54, Sections 5.3008 (1)—5.3008 (13). This statute was originally enacted in 1945. It applies to two or more legislative bodies of any local governmental units, and it authorizes the participating legislative bodies to define the limit of jurisdiction of the regional planning commission. ("The terms 'local governmental units' or 'local units' shall include cities, villages, other incorporated political subdivisions, counties, school districts, special authorities, townships, or any legally constituted

governing body responsible for the exercise of governmental functions within a political subdivision of the state.")

The regional planning commission is authorized to "conduct all types of research studies, collect and analyze data, prepare maps, charts, and tables, and conduct all necessary studies for the accomplishment of its other duties; it may make plans for the physical, social, and economic development of the region, and may adopt by resolution of a majority of its full membership any plan or the portion of any plan so prepared as its official recommendation for the development of the region; it may publicize and advertise its purpose, objectives, and findings, and may distribute reports thereon; it may provide advisory services to the participating local governmental units and to other public and private agencies in matters relative to its functions and objectives, and may act as a coordinating agency for programs and activities of such agencies as they relate to its objectives. The regional planning commission shall make an annual report of its activities to

the legislative bodies of the participating local governmental units."

**D. State Planning.** Michigan Statutes Annotated, including 1956 current material, Title 3, Chapter 13, Section 3.545 (c). The State planning commission is abolished; it is the Michigan Department of Economic Development which assists "in planning by counties, townships, cities, villages and combinations of these," and which acts as the State's liaison agency with Federal agencies concerned with economic development. The major portion of its duties, however, relate to nonplanting matters.

**E. Federal Assistance for Local Planning.** To further their objectives, municipal and county planning commissions are authorized to accept gifts, and a regional planning commission, to accept "gifts and grants from public or private individuals or agencies." Furthermore, Michigan has enacted a Statute providing grants in aid on a matching basis to regional planning commissions.

(Sections 5.3009 (1)—5.3009 (4)).

# Minnesota

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Minnesota Statutes Annotated, including 1956 Supplement, Chapter 471, Sections 471.26-471.33. This statute was originally enacted in 1937.

2. **Localities Where Applicable.** (a) **Generally.** This statute applies to any municipality (defined to include any city, village, town, or borough, however organized, except a city of the first class (over 50,000 inhabitants)) and within an area two miles beyond its boundaries.

(b) **First Class Cities.** While certain first class cities are excluded from the provisions of Chapter 471, they are authorized to carry on planning activities under sections 462.18-462.22 of Chapter 462 of the Minnesota Statutes Annotated, which provides, in part, as follows:

"For the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, any city of the first class in the state acting by and through its governing body, may by ordinance regulate the location, size, and use of buildings, the height of buildings, the arrangement of buildings on lots, and the density of population therein, may make different regulations for different districts thereof, and may acquire or prepare and adopt a comprehensive city plan for such city or any portion thereof for the future physical development and improvement of the city, in accordance with the regulations made as aforesaid, and may thereafter alter the regulations or plan, such alterations, however, to be made only after there shall be filed in the office of the city clerk a written consent of the owners of two-thirds of the several descriptions of real estate situate within 100 feet of the real estate affected, and after the affirmative vote in favor thereof by a majority of the members of the governing body of such city. . . ." (No other material in this summary relates to first-class cities.)

3. **Powers Conferred.** This statute confers powers on any municipality "to carry on city plan-

ning activities and adopt a plan for the regulation of the future development of the municipality and to prepare and adopt an official map of all proposed alteration of existing lands and public places, and the future development of unplatted properties. . . ."

4. **The General City Plan.** The statute authorizes the adoption of a plan for the "regulation" of the future physical development of the municipality. While the term "regulation" ordinarily is characteristic of planning for zoning purposes, the statute indicates a broader scope for the law through provision for studies by the planning commission on other subject matter relating to city planning, including the various matters indicated below.

"Any municipality may by formal procedure make a study of future developments of the municipality, including proposed public buildings, street arrangements, and improvements, public utility services, parks, playgrounds and other similar developments. Such plans may be incorporated in resolutions or ordinances, in reports of officers or agents of the municipality or may be shown on formal planning maps or by a use of these and other methods singly or in combination.

"The governing body of any such municipality may provide for the future laying out of streets outside of platted territory and extending across unplatted territory within the corporate limits of such municipality. When it is thus desired to extend or reserve any lands for streets or other public use which are not yet dedicated to public use by platting or otherwise, or to provide for the future widening and improvement of an existing street or highway, the council shall direct the engineer of the municipality or other competent person to prepare a map of such platted or unplatted district indicating the proposed future extension or widening of existing streets of the municipality within such existing platted and developed territory or across such unplatted territory

upon such map. After such map has been prepared and filed with the governing body of the municipality, it shall be adopted and published as the official map of that portion of the municipality. No such map shall be adopted or have any effect until approved by resolution duly adopted by the governing body of the municipality after a public hearing held at least ten days after a public notice thereof is given in a legal newspaper published in that municipality."

5. **Legal Status of Plan.** No specific provision

**B. County Planning.** Minnesota Statutes Annotated, including 1956 Supplement, Chapter 394 Sections 394.06-394.17.

"There is hereby authorized to be created in any county of this State now or hereafter containing a city of the first class, the area of which city comprises at least 25 percent of the total area of the county, or city of the second class, a county planning commission of not less than four and no more than twenty members.

"The town board of any town desiring to be represented on said county planning commission may appoint, and at its pleasure may remove, two members of said commission. The governing body of each city and village, other than the city of the first or second class, desiring to be represented on said commission may appoint, and at its pleasure may remove, two members of said commission. . . .

\* \* \*

"The county planning commission shall have power and authority; except as otherwise provided by law:

"(1) To propose a general comprehensive plan or plans for the future physical development of the county or parts thereof outside of the limits of the city of the first or second class. Such plans may include, among other things, the location, character, and extent of state highway thoroughfares, viaducts, subways, bridges, waterfront blockades, by-ways, playgrounds, squares

parks, aviation fields, public ways, public forests, wild life sanctuaries, botanical garden grounds, public buildings, public utilities, building lines, and restricted building districts of all buildings, public or private;

"(2) To propose a plan or plans which will divide the county into zones or districts and limit and regulate the construction, height, bulk, location, and use of buildings and other structures and premises and lot areas in such zones or districts;

"(3) To propose a plan or plans concerning the marking of historical landmarks, and location of statuary and other works of art which are or may become the property of the county and the removal or relocation of any such work belonging to the county;

"(4) To propose a part of a plan covering one or more of the towns, cities, other than the city of the first class, villages, sections, or divisions of the county and may from time to time propose alterations, amendments, or additions to any plan or plans;

"(5) To cooperate with other planning boards and commissions of the county in the execution of its powers and authority.

\* \* \*

"After the adoption of the plan by any town, city, or village, its provisions shall be binding upon all persons and all property in relation to all matters and things contained therein so far as it affects the town, city, or village. No highway, thoroughfare, viaduct, subway, bridge, street, square, park, or other public way, and no public or private building or structure, or public utility, either publicly or privately owned, shall be constructed, altered,

or changed until the location, character, and extent thereof have been first submitted to the county planning commission for comparison with the plan or plans, and approved by the commission. In the case of disapproval, the commission shall communicate its reasons to the local governing body which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its members."

\* \* \*

**C. Regional, Metropolitan, and Area Planning.** Laws 1957, Chapter 468. This statute establishes in each metropolitan area a regional planning and development commission, necessitated as the legislative finding declares because of the urban growth and development in metropolitan areas which has produced problems that transcend the boundary lines of local governmental units. The commission is to make plans for the physical, social, and economic development of its metropolitan area, which may include suggestions for highways and other transportation facilities, parks and recreational facilities, drainage and water supply facilities, public buildings, utilities and services, subdivision control, and control of construction, height, bulk, location and use of buildings and premises. It may accept financial aid from the Federal Government, if the conditions under which it is offered are not incompatible with the provisions of the enabling act.

**D. State Planning.** Minnesota Statutes Annotated, including 1955 Supplement, as amended by Laws 1957, Chapter 842, Chapter 362, Sections 362.07-362.24. This statute establishes the Department of Business Development, which is

directed primarily to promote Minnesota business, industry, and commerce. Among other powers, however, it is authorized to "Advise and cooperate with municipal, county, regional, and other planning agencies and planning groups within the state for the purpose of promoting coordination between the state and localities as to plans and development in order to maintain a high level of gainful employment in private profitable production and achieve commensurate advancement in social and cultural welfare; coordinate the activities of state-wide and local planning agencies, correlate information secured from them and from state departments, and disseminate information and suggestions to such planning agencies; and encourage and assist in the organization and functioning of local planning agencies where none exist; and may provide at the request of any governmental subdivision hereinafter mentioned planning assistance, which includes but is not limited to surveys, land use studies, urban renewal plans, technical services and other planning work to any city or other municipality in the state or perform similar planning work in any county, metropolitan or regional area in the state. . . ."

**E. Federal Assistance for Local Planning.** "The department [of Business Development] is authorized to accept any grant of funds or property made by the United States or any department or agency thereof, or by any individual, for any or all of the purposes specified in Sections 362.07 or 362.24, and shall expend said funds in accordance with the terms and conditions of the grant. . . ." (Section 362.17). See also paragraph C, above.

# Mississippi

Mississippi, prior to 1956, had enacted no general municipal, county, regional, or State planning laws. A 1956 planning statute provides, in part, as follows:

"The governing authority of each municipality and county, either independently or jointly, is empowered, in its discretion, to provide for the preparation, adoption, amendment, extension and

carrying out of an official plan, in whole or in part, for the purpose of bringing about coordinated physical development in accordance with present and future needs and to create, independently or jointly, a planning commission, to serve without pay, with authority to prepare and propose (1) a master plan of physical development of the municipality or county, or part thereof; (2) a proposed zoning ordinance and maps; (3) regulations gov-

erning subdivision of land; and (4) building or set back lines on roads and highways. . . .

"In the performance of its duties, the planning commission may co-operate with, contract with, or accept funds from federal, state or local agencies or private individuals or corporations and may expend such funds and carry out such co-operative undertakings and contracts." Laws of Mississippi 1956, Chapter 197, H. B. No. 61.

# Missouri

**A. Municipal Planning.** 1. Missouri has enacted no general municipal planning law.

**B. County Planning.** Vernon's Annotated Missouri Statutes, including 1936 Supplement, Title 6, Chapter 64, Sections 64.010-64.160. This statute, originally enacted in 1911, applies to counties of the first class. Sections 64.510 through 64.690 apply to any county of the second and third class and provide for the preparation of a county plan for all areas of a county adjoining and extending not more than forty miles from the corporate limits of any city which has more than seventy thousand inhabitants. Before the county court may adopt any plan or create a planning commission in counties of the second or third class the question of county planning or zoning must be submitted to the voters for approval.

Reference is made here to the provisions applicable to counties of the first class; the powers conferred on commissions of the smaller counties are similar.

The planning commission consists of one judge of the county court, the county highway engineer, the chairman of two municipal planning bodies in the county, and six residents of the unincorporated territory of the county. Appointments are made by the county court.

"The county planning commission shall have power to make, adopt and publish an official master plan of the county for the purpose of bringing about coordinated physical development in accordance with present and future needs. . . . Such master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams, and projects affecting conservation of natural resources. . . ."

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. State Planning.** Vernon's Annotated Missouri Statutes, including 1936 Supplement, Title 16, Chapter 255, Sections 255.010-255.120. The powers and duties of the former State planning board are to be found in the Division of Resources and Development of the Department of Business and Administration. This commission's primary purpose is to develop the State's natural resources and industrial opportunities and thereby encourage the location of new industrial enterprises in the State. But among its other duties is the one to "formulate and adopt a plan or plans for the coordinated development, conservation and use of these resources in ways that will promote and advance the economic welfare of the people of the State; such plan or plans, as far as may be desirable and practicable, to be coordinated with the planning programs of cities, counties and areas in Missouri, with national planning, and with the planning of other States."

**E. Federal Assistance for Local Planning.** No specific provision.

# Montana

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Montana Laws 1957, Chapter 246, (H. B. No. 413, app. March 14, 1957). This statute represents the initial authorization for cities, and cities and counties jointly, to establish planning boards.

2. **Localities Where Applicable.** This statute applies to any city (which is defined to include incorporated cities and towns) or to two or more cities and the county in which such city or cities are located.

3. **Powers Conferred.** The governing body of any city or the governing bodies of any two or more cities and the county in which such city or cities are located jointly may create a planning board in order to promote the orderly development of its governmental units and its environs.

A city planning board shall consist of not less than seven members: one appointed by the city council from its membership; one appointed by the city council who may be an employee or hold public office in the city or the county; one appointed by the mayor upon the designation by the county commissioners of the county in which the city is located; four citizen members appointed by the mayor, with at least two being residents of the urban area, if any, outside of the city limits.

A city-county planning board shall consist of not less than nine members: two official members appointed by the board of county commissioners who may be employed by or hold office in the county; two appointed by the city council who may be employed by or hold office in the city; two citizen members appointed by the mayor; three citizen members appointed by the board of county commissioners. No member is to receive a salary for services on any planning board.

4. **The General City Plan.** A planning board shall adopt a master plan for the development of the area, which may include:

"1. Careful and comprehensive surveys and

studies of existing conditions and the probable future growth of the city and its environs or of the county.

"2. Maps, plats, charts, and descriptive material presenting basic information, locations, extent and character of any of the following: [See Indiana listing, paragraph A.4, *supra*.]

"3. Reports, maps, charts, and recommendations setting forth plans for the development, development, improvement, extension, and revision of the subjects and physical situations of the city or county set out in part 2 of this section so as to substantially accomplish the object of this legislation as set out in Section 2 of this act.

"4. A long-range development program of public works projects, based on the recommended plans of the planning board, for the purpose of eliminating unplanned, unsightly, untimely, and extravagant projects and with the view to stabilizing industry and employment, and the keeping of such program up to date, for all separate taxing units within the city or county respectively, for the purpose of assuring efficient and economic use of public funds."

A planning board is also empowered to control the subdivision of land, approval of plats and replats, and zoning within its jurisdiction.

5. **Legal Status of Plan.** "After adoption of the master plan and ordinance the city council, the board of county commissioners, or other governing body within the territorial jurisdiction of the board shall be guided by and give consideration to the general policy and pattern of development set out in the master plan in the: 1. Authorization, construction, alteration of public ways, public places, public structures, or public utilities; 2. Authorization, acceptance, or construction of water mains, sewer connections, facilities, or utilities."

**B. County Planning.** Revised Code of Montana Annotated (1947), Replacement Volume 2 (1955), Title 16, Chapter 42, Section 16-4101--

16-4107. This statute, originally enacted in 1953, appears to be basically zoning authorization.

"Whenever the public interest or convenience may require, and upon petition of sixty per centum (60%) of the freeholders affected thereby, the board of county commissioners is hereby authorized and empowered to order and create a planning and zoning district, and to appoint a commission consisting of five members. The commission is to consist of the three county commissioners, the county surveyor and the county assessor. . . .

"For the purpose of furthering the health, safety and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district. Such development pattern, with the accompanying maps, plats, charts and descriptive matter, shall show the planning and zoning commission's recommendations for the development of the districts, within some of which it shall be lawful and with others of which it shall be unlawful to erect, construct, alter or maintain certain buildings, or to carry on certain trades. . . ." A district is required to be an area of more than forty acres.

**C. Regional, Metropolitan, and Area Planning.** These provisions are superseded when a master plan and zoning provisions are adopted for the same area under the authorization listed in paragraph A.1, above. (Section 58).

**D. State Planning.** Revised Code of Montana Annotated (1947), including 1957 Supplement, Title 89, Chapter 3, Sections 89-301-89-309. While this statute is designed primarily to authorize state planning for the development of natural resources, the broad powers granted by the statute to the state planning board, the broad purposes of the statute and the broad scope of the language would seem to authorize general plan-



ning in a limited sense, particularly in regard to the use and development of land.

"It shall be the function and duty of the state planning board to make and adopt a comprehensive plan for the physical development of the state of Montana and to make such related economic and social studies as may be needed in carrying

out the purpose of this act. The state plan, with the accompanying maps, charts, and descriptive matter shall show the recommendations of the board for the development of the state.

"The board, in its discretion, shall encourage the formation and activity of municipal, county, district and other local planning bodies within the

state, shall render to them all assistance reasonably possible, and may adopt rules and regulations for its recognition of such local planning bodies in accordance with the needs and conditions of the various communities."

**E. Federal Assistance for Local Planning.**  
No specific provision.

# Nebraska

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Revised Statutes of Nebraska (1943), including 1955 Cumulative Supplement, Volume 1A (reissue of 1954), Chapter 18, Article 13, Sections 18-1301—18-1307. This statute was originally enacted in 1937.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include city or village) and to any areas outside thereof which in the judgment of the planning commission bear relation to the planning for the municipality.

3. **Powers Conferred.** The statute provides: "Any municipality is hereby authorized and empowered to make, adopt, amend, extend, and carry out a municipal plan as provided in sections 18-1301 to 18-1307, and to create by ordinance a planning commission with the powers and duties herein set forth. The planning commission of a city shall be designated city planning or city plan commission, and the planning commission of a village shall be designated the village planning or village plan commission.

"The commission shall consist of nine members who shall represent insofar as is possible different professions or occupations in the municipality and who shall be appointed by the mayor, by and with

the approval of a three-fourths vote of the council. All members of the commission shall serve as such without compensation and shall hold no other municipal office. . . ."

Operations of the planning commission are financed by funds appropriated by the municipality.

4. **The General City Plan.** "It shall be the function and duty of the commission to make and adopt plans for the physical development of the municipality, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of such municipality.

"The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and with citizens with relation to the protecting or carrying out of the plan."

The statute does not indicate any more specifically the various matters to be included in the plan.

5. **Legal Status of Plan.** No specific provision.

B. **County Planning.** No specific provision.

C. **Regional, Metropolitan, and Ar**  
ning. No specific provision.

D. **State Planning.** Laws of Nebraska (Legislative Bill No. 567, app. June 1943). This act authorizes the Division of Resources, whose primary function is development of new industries in the State. Stats. Nebr., 1943, Sections 2-1901—2-1907. This act provides planning assistance, which includes but is not limited to surveys, land use studies, renewal plans, technical services, and other planning work, to any city or village in the State upon the request of such city or village. The act also provides for the establishment of a Division of Nebraska Resources and any metropolitan, regional, or joint planning body . . . is authorized to perform similar planning in metropolitan regional areas within the jurisdiction of such planning bodies. . . .

E. **Federal Assistance for Local Planning.** The act, cited at paragraph D, above, provides: "The Division of Nebraska Resources and any metropolitan, regional, and joint planning agency authorized to accept and expend grants from the federal government and other public sources, to contract with reference thereto, and to enter into other contracts and exercise powers necessary to carry out the purpose of this act."

# Nevada

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Nevada Revised Statutes, Vol. II, Chapter 277, Section 278.010-278.630. These amendments represent the 1947 rewriting of the planning and zoning act of 1941 (N. C. L. 1931-1941, Sections 5063-5063.35).

2. **Localities Where Applicable.** This statute apparently applies to all cities and counties. It contemplates a "general plan for the physical development of the city, county, or region which in the commission's judgment bears relation to the planning thereof."

3. **Powers Conferred.** "The governing body of each city and county having not less than fifteen thousand population shall create by ordinance a planning commission to consist of nine members. Cities and counties of less than fifteen thousand population may create by ordinance a planning commission to consist of nine members."

It is the duty of the planning commission to prepare and adopt a comprehensive long-term general plan for the physical development of the area; such plan to be known as the master plan. The master plan, with the accompanying maps, diagrams, charts, descriptive matter, and reports shall include such of the following subject matter as is appropriate to the city, county, or region, and as may be made the basis for the physical development thereof: conservation plan, land use plan, recreation plan, streets and highways plan,

transportation plan, transit plan, public services and facilities, public buildings, community design, housing, economic plan.

4. **The General City Plan.** The subject matter listed in the preceding paragraph is fully explained in the statute. For example, "Streets and Highway Plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building-line set backs, and a system of street naming or numbering, and house numbering, with recommendations concerning proposed changes. . . . Housing. Survey of housing conditions and needs and plans and procedure for improvement of housing standards, and for provision of adequate housing."

5. **Legal Status of Plan.** No specific provision.

**B. County Planning.** See paragraph A.3, above.

**C. Regional, Metropolitan, and Area Planning.** A regional planning district "shall consist of a portion of a political subdivision, two or more contiguous political subdivisions or contiguous portions of two or more political subdivisions. All territory embraced within a regional planning district shall be contiguous except where the regional district is composed of two or more municipalities such territories need not be contiguous."

The board of county commissioners of any county and/or the governing body of the incorporated cities, in whatever combination, may create a regional planning commission, whose membership is fixed at not more than twelve nor less than six members.

The "master regional plans shall be coordinated with similar plans of adjoining regions, and [the] master county and city plans within each region shall be coordinated so as to fit properly into the master plan for the region."

**D. State Planning.** Nevada Revised Statutes, Vol. III, Chapter 341, Sections 341.010-341.180. This statute creates a State planning board with broad statutory powers to make a comprehensive State plan for the economic and social development of the State. In carrying out its powers, the board is authorized to advise and cooperate with municipal, county, and other local planning commissions for the purpose of promoting coordination between the State and local plans and developments.

**E. Federal Assistance for Local Planning.** No specific provision. But see Section 341.120 of the statute cited in paragraph D, above: "The [state planning] board is empowered to receive and accept, in the name of the State, grants of money or services to enable the board to carry on its work under this chapter."

# New Hampshire

**A. Municipal Planning.** 1. **The Urban Planning Statute.** New Hampshire Revised Statutes Annotated (1955), including 1955 Supplement, Chapter 36, Sections 36:1-36:36. This statute was originally enacted in 1935.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include any city, town or village district) and to areas outside thereof which in the judgment of the planning board bear relation to the planning for the city.

3. **Powers Conferred.** Every municipality is authorized and empowered to create by ordinance a planning board and to make available to it the powers and duties prescribed by the statute. It is the duty of the planning board to make a master plan for the development of the municipality.

After the creation of a planning board, the powers of any former zoning commission are to be transferred to and exercised by the board.

4. **The General City Plan.** "It shall be the function and duty of any planning board established under the provisions of this chapter, to make and to perfect from time to time, so far as funds appropriated by council for such purpose will permit, a master plan for the development of the municipality, including any areas outside of its boundaries which, in the planning board's judgment, bear relation to the planning of the municipality. Such master plan, with the accompanying necessary map, plats, charts and descriptive matter, may be designated with the intention of showing as fully as is possible and practical the planning board's recommendations for the desirable development of the territory, legally and logically within the scope of its planning jurisdiction, including, on that basis, among other things, the general location, character, and extent of streets, viaducts, subways, tunnels, bridges, waterways, water fronts, boulevards, parkways, roadways in streets and parks, playgrounds, squares, lots, aviation fields, and other public

ways, places, grounds, and open spaces, sites for public buildings and other public property, routes of railroads, omnibuses, and other forms of public transportation, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, heat, sanitation, transportation, communication, power, and other purposes; also the acceptance, removal, relocation, widening, narrowing, vacating, abandonment, change of use of or extension of any of the foregoing ways, grounds, places, open spaces, buildings, properties, utilities, or terminals, and other planning features, as well as a zoning plan for the control of the height, area, bulk, location and use of private and public structures, buildings, premises, and of population density; the general location, character, layout, and extent of community centers and neighborhood units; and the general character, extent, and layout of the replanning of blighted districts and slum areas."

5. **Legal Status of Plan.** "Provided that the planning board of any municipality shall have adopted a master plan, as provided herein, which includes a major street plan . . . [the] council is hereby empowered and authorized to establish an official map of the municipality showing the location of the exterior lines of streets of the whole or of any parts of the municipality theretofore existing, laid out and established by law as public streets, and may also show the location of the exterior lines of parks. Such official map is to be deemed to be final and conclusive with respect to the location and width of streets and the location of parks shown thereon. . . ." Amendments to the official map may be made only after a public hearing and after the planning board has had the proposed change referred to it for consideration.

**B. County Planning.** No specific provision, but see paragraph C, below.

**C. Regional, Metropolitan, and Area Planning.** New Hampshire Revised Statutes anno-

tated (1955), including 1955 Supplement, Chapter 36, Sections 36:39-36:44. This statute enables municipalities and counties, or two or more municipalities to join in the formation of regional planning commissions.

It is the duty of a regional planning commission to prepare a comprehensive master plan for the development of the region within its jurisdiction, including recommendations for land use, parks, housing, zoning and subdivision regulations, etc. It is to assist member planning boards on local planning problems, and is further authorized to aid in the undertaking of urban renewal projects and the preparation of a "workable program."

**D. State Planning.** New Hampshire Revised Statutes Annotated (1955), including 1955 Supplement, Chapter 12, Sections 12:1-12:12. This statute provides for a State planning and development commission with power to conserve and promote the public health, safety, convenience and general welfare, to cooperate with any persons or organizations interested in these purposes and to publish for general distribution and to sell reports, charts, surveys or other documents calculated to serve these purposes; also, the commission shall prepare and keep up to date a plan for the orderly development of the resources of the State; shall encourage by advisement planning by cities and towns or groups of cities and towns; shall encourage the extension and correlation of State planning by agencies of the State government; and shall participate in interstate, regional, and national planning efforts, both with a view to benefits to be derived by the larger region or nation and by the State.

**E. Federal Assistance for Local Planning.** There is provision for acceptance of Federal grants of money or services by a regional planning commission (Section 36:41) and by the State planning and development commission (Section 12:9).

# New Jersey

**A. Municipal Planning.** 1. **The Urban Planning Statute.** New Jersey Statutes Annotated, including 1956 Supplement, Title 40, Chapter 55, Article 1, Sections 40:55-1.1—40:55-1.29. These provisions, originally enacted in 1930, were revised and rewritten in 1952. See also Sections 40:55-1.30—40:55-1.42 and 40:55-21.1—40:55-21.14.

2. **Localities Where Applicable.** This statute applies to any municipality (the term being defined to include any city, town, township, village, or borough) and to areas outside thereof which in the judgment of the planning commission bear essential relation to the planning of the municipality.

3. **Powers Conferred.** The statute confers powers on the governing body of any municipality to create by ordinance a planning board of not less than five nor more than nine members. The board is to make and, after public hearing, adopt a master plan for the physical development of the municipality and its environs.

4. **The General City Plan.** "In scope the master plan may cover proposals for: (a) the use of lands and buildings—residential, commercial, industrial, mining, agricultural, park, and other like matters; (b) services—water supply, utilities, sewerage, and other like matters; (c) transportation—streets, parking, public transit, freight facilities, airports, and other like matters; (d) housing—residential standards, slum clearance and redevelopment, and other like matters; (e) conservation—water, forest, soil, flood control, and other like matters; (f) public and semi-public facilities—civic center, schools, libraries, parks, playgrounds, fire houses, police structures, hospitals, and other like matters; (g) the distribution and density of population; (h) other elements of municipal growth and development."

5. **Legal Status of Plan.** The only pertinent statutory provision reads as follows:

"Whenever the planning board after public hearing shall have adopted any portion of the

master plan, the governing body or other public agency having jurisdiction over the subject matter, before taking action necessitating the expenditure of any public funds, incidental to the location, character or extent of one or more projects thereof, shall refer action involving such specific project or projects to the planning board for review and recommendation, and shall not act thereon without such recommendation or until 45 days after such reference have elapsed without such recommendation. This requirement shall apply to action by a housing, parking, highway or other authority, redevelopment agency, school board, or other similar public agency, Federal, State, county or municipal." As to other matters, the governing body of the municipality may provide for such reference to the planning board before final action.

**B. County Planning.** N. J. S. A., including 1956 Supplement, Title 40, Chapter 27, Sections 40:27-1—40:27-8. This statute authorizes the "board of chosen freeholders of the county" to create a county planning board of not less than five nor more than nine members. The board is empowered to make and adopt a master plan for the physical development of the county, which may include, among other things, "the general location, character, and extent of streets or roads, viaducts, bridges, waterway and waterfront developments, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban redevelopment, and such other features as may be important to the development of the county."

**C. Regional, Metropolitan, and Area Planning.** The statute, cited in paragraph B (Sections 40:27-9—40:27-11) also authorizes the creation of regional planning boards.

"The councils or corresponding administrative bodies of any group of municipalities, independently or together with the board or boards of freeholders of any county or counties in which such group of municipalities is located or of any adjoining county or counties; or the council or corresponding administrative body of any municipality together with the board of freeholders in which such municipality is located; or the boards of freeholders of any two or more adjoining counties, may cooperate in the creation of a regional planning board for any region defined as may be agreed upon by said cooperating councils and board or boards or by said cooperating boards."

The regional planning board is required to make a master plan, encompassing the matters listed in paragraph B, and such surveys and studies of the region as may be essential to the physical development of the region. The governing bodies of municipalities and counties may delegate any or all of their planning powers and duties to a regional planning board.

**D. State Planning.** N. J. S. A., Title 52, Chapter 27C, Article III, Sections 52:27C-18—52:27C-27. This statute creates a Department of Economic Development, to which is transferred, among other agencies, the State Planning Board and the State Housing Authority. In turn, these divisions were transferred under Sections 13:1B-6 to the Department of Conservation and Economic Development, whose function is to encourage the expansion of markets for New Jersey products with no provision for the typical planning authorization.

The functions, which were transferred as mentioned above, include the power to prepare a State master plan; to advise State and local authorities with a view to the coordination of all physical development plans; and to apply for and accept grants from the Federal Government.

**E. Federal Assistance for Local Planning** See paragraph D, above.

# New Mexico

**A. Municipal Planning.** 1. **The Urban Planning Statute.** New Mexico Statutes Annotated (1953), including 1957 Supplement, Chapter 14, Article 2, Sections 14-2-14-14-2-33. This statute was originally enacted in 1947.

2. **Localities Where Applicable.** This statute applies to any municipality (defined to include any incorporated city, town, or village) and to areas 3 miles beyond the city limits generally, but 5 miles beyond if the inhabitants number 25,000 or more.

3. **Powers Conferred.** "Hereafter any municipality in the State of New Mexico is authorized and empowered to create by ordinance a planning Commission with all the powers, authorities, jurisdiction and duties herein set forth and such other powers, authority, jurisdiction and duties as are incident and necessary to carrying out the purpose of the act, or the municipality may retain in its governing body, all or so much of these powers, authorities, jurisdiction and duties as it may in its discretion determine. Such planning commission shall be designated city or town planning commission. Such municipalities may as herein provided for make, adopt, amend, extend, add to or carry out a general municipal or master plan of development; such plan to be referred to as master plan."

A planning commission shall consist of not less than five members appointed by the mayor and confirmed by the governing body of the municipality.

4. **The General City Plan.** "It shall be a function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of the boundary and within its planning jurisdiction which, in the commission's judgment, bear relation to the planning of the municipality. The master

plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations to council for the said physical development, and may include among other things, the general location, character, and extent of streets, bridges, viaducts, parks, parkways, waterways, and waterfront developments, playgrounds, airports, and other ways, grounds, places and spaces; the general location of public schools, of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; the general location, character, layout, and extent of community centers and neighborhood units; and the general character, extent, and layout of the replanning of blighted districts and slum areas. The commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail.

"In the preparation of the master plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development."

5. **Legal Status of Plan.** "Whenever any such planning commission shall have adopted the master plan of the municipality or any part thereof, then and thenceforth no street, park, or other public way, ground, place, or space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the master plan or any adopted part thereof shall be constructed or authorized in the municipality within its planning jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided that in case of disapproval, the commission shall communicate its reasons to the council, and the council, by vote of not less than two-thirds of its entire membership, shall have the power to overrule such disapproval and, upon so overruling the council or the appropriate board officer shall have the power to proceed. . . ."

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. State Planning.** New Mexico Statutes Annotated (1953), including 1957 Supplement, Chapter 4, Article 7, Sections 4-7-1-4-7-8. The State Planning Board has been abolished, its record and assets being transferred to the New Mexico Economic Development Commission (Laws New Mexico, 1949, Chapter 69, Section 10.) Its primary function is to develop plans for the promotion of the economic welfare and resources of the State and to encourage new industrial enterprise to locate in the State. Unlike other such development commissions, this statute does not specifically grant it planning functions.

**E. Federal Assistance for Local Planning.** No specific provision.



# New York

**A. Municipal Planning.** 1. **The Urban Planning Statutes.** (a) The city planning statute—McKinney's Consolidated Laws of New York Annotated, including 1956 Supplement, General City Law, Sections 26-39. This statute was originally enacted in 1926.

(b) The city and village planning statute—General Municipal Law, Sections 234-239-a. This statute was originally enacted in 1918.

(c) The town planning statute—Town Law, Sections 271-284. This statute, as now amended, was originally enacted in 1927.

(d) The village planning statute—Village Law, Sections 179-e to 179-r. This statute was originally enacted in 1926.

2. **Localities Where Applicable.** (a) The city planning statute—This statute applies in any city and apparently has no extraterritorial effect.

(b) The city and village planning statute—This statute applies in any city or incorporated village and to land outside thereof which in the judgment of the planning commission should be mapped.

(c) The town planning statute—Such part of a town as is outside the limits of any incorporated city or village.

(d) The village planning statute—Every village.

3. **Powers Conferred.** (a) The city planning statute—The statute confers powers on any city to create a planning board. The board is authorized to prepare and change a comprehensive master plan for the development of the city.

(b) The city and village planning statute—The statute empowers any city or incorporated village to create a "city or village planning commission" consisting of not more than eleven members in cities of the first class, not more than nine for cities of the second class and not more than seven for cities of the third class and incorporated villages. The body creating such planning commission may authorize the performance of general planning functions by the planning commission.

(c) The town planning statute—The town board is empowered to appoint a planning board of five members with general duties and powers similar to those granted to cities under the General City Law, as set forth in paragraph 3 (a), above.

The planning board may prepare and change, a comprehensive master plan for the development of the entire area of the town, as set out in paragraph 4 (c), below.

(d) The village planning statute—The board of trustees of each village is authorized to appoint a planning board of five members. The planning board may prepare and change, a comprehensive master plan for the development of the entire area of the village, as set out in paragraph 4 (d), below.

4. **The General Plan.** (a) The general city plan—"The planning board may prepare and change a comprehensive master plan for the development of the entire area of the city, which master plan shall show existing and proposed streets, bridges and tunnels and the approaches thereto, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts, pierhead and bulkhead lines, waterways and routes of public utilities and such other features existing and proposed as will provide for the improvement of the city and its growth, protection, and development, and will afford adequate facilities for the public housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population."

(b) The general city and village plan—See paragraph 3 (b), above.

(c) The town plan—See paragraph 4 (a), above. The provision is exactly the same as that quoted in 4 (a), except that "desirable" should be substituted for the "existing and proposed" before "streets."

(d) The general village plan—See paragraph 4 (c), above. The provision is exactly the same.

5. **Legal Status of Plan.** No provisions.

**B. County Planning.** McKinney's Consolidated Laws of New York Annotated, including 1956 Supplement, General Municipal Law, Sections 239-b to 239-f. This statute was originally enacted in 1925. The statute authorizes the creation of county, regional, and metropolitan planning boards, and provides:

"The board of supervisors of any county alone or in collaboration with the governing bodies of the cities, towns and villages in such county or any of them or in collaboration with the board or boards of supervisors of any adjacent county or counties may establish a regional or county planning board to consist of representatives of such county or counties and where the local governments of the municipalities participate in the formation of such regional or county planning board, such board may also contain representatives of such municipalities to be selected in a manner to be determined by the board or boards of supervisors. . . . The governing bodies of cities, towns and villages in any county or counties may collaborate in establishing a regional or metropolitan planning board to consist of representatives of the constituent municipalities to be selected in a manner to be determined by agreement among the participating municipalities.

\* \* \*

"Said planning board is hereby empowered to perform planning work, including but not limited to surveys, land use studies, urban renewal plans and technical services, and shall study the needs and conditions of metropolitan, regional, county and community planning in such county or counties or the area covered by constituent municipalities and prepare and adopt in whole or in part and, whenever and as often as such board may



deem it for the public interest, to change or add to, a comprehensive master plan for the development of the entire area of the county or counties or municipalities participating, which master plan shall include the highways, parks, parkways and sites for public buildings or works including sub-surface facilities, in the acquisition, financing or construction of which the county or the constituent municipalities has participated or may be called upon to participate, acquire, finance or construct."

See further, McKinney's Consolidated Laws of New York Annotated, including 1956 Supplement, Alternative County Government, Section 552.

**C. Regional, Metropolitan, and Area Planning.** See paragraph B, above.

**D. State Planning.** McKinney's Consolidated Laws of New York Annotated, including 1956 Supplement, Commerce Law, Section 100 (21). The department of Commerce is authorized to advise municipal, county, regional, and other local planning agencies for the purpose of promoting coordination between the State and the localities as to plans and development, but its primary functions relate to nonplanning matters.

**E. Federal Assistance for Local Planning.** The statute, cited in paragraph B, above, provides at Section 239 (d): "In furtherance of the purposes of this article, such county, metropolitan or regional planning board . . . may apply for and accept grants from the federal government and enter into contracts for and agree to accept . . ."

such grants under any reasonable conditions and requirements.

Compare also the Commerce Law, Section 16, subdivision 27 (Laws 1957, Chapter 1030) where by the commissioner of the department of commerce is "to act as agent for or enter into contracts and otherwise cooperate with the Federal government in connection with the urban planning assistance program, and as such agent to administer any grant or grants of such funds to the State or through the State to its local governing bodies and to regional and metropolitan planning agencies, complying with the provisions of such grants or advances. Any Federal funds made available pursuant to the National Housing Act of 1954, as amended, are to be deposited in a special fund, known as, the 'Fund for Urban Planning.'"

# North Carolina

**A. Municipal Planning.** 1. **The Urban Planning Statute.** General Statutes of North Carolina (Recompiled Volume 3C, 1952), including 1955 Supplement, Chapter 160, Part 4, Sections 160-22—160-24. This statute was originally enacted in 1919.

2. **Localities Where Applicable.** This statute applies to any city or town in the State.

3. **Powers Conferred.** "Every city and town in the State is authorized to create a board to be known as the Planning Board, whose duty it shall be to make careful study of the resources, possibilities and needs of the city or town, particularly with respect to the conditions which may be injurious to the public welfare or otherwise injurious, and to make plans for the development of the municipality. The governing body of such city or town desiring to establish such local planning board shall appoint not less than three nor more than nine on said board. The governing body of any city or town is hereby authorized to enter into any agreements with any other city, town or county for the establishment of a joint planning board.

"Any planning board established under the authority of this section by any one county, city, or town or any planning board or agency established by agreement, pursuant to this section, between two or more city or county governing bodies may, with the concurrence of the governing body or bodies to which it is responsible, (a) enter into and carry out contracts with the federal government or any agencies thereof under which said government or agencies grant financial or other assistance to said

planning board, (b) accept such assistance or funds as may be granted by the federal government with or without such a contract, (c) agree to and comply with any reasonable conditions which are imposed upon such grants, (d) make expenditures from any funds so granted. . . .

"The board shall make a report at least annually to the governing body of the city or town, giving information regarding the condition of the city or town, and any plans or proposals for the development of the city or town and estimates of the cost thereof"

4. **The General City Plan.** No specific provision.

5. **Legal Status of Plan.** No specific provision.

**B. County Planning.** General Statutes of North Carolina (Recompiled Volume 3C, 1952), including 1955 Supplement, Chapter 153, Section 153-9-40. This statute is substantially the same as that quoted in paragraph A.3, above; the only difference is that it applies to counties and the county commissioners constitute the governing body.

**C. Regional Metropolitan, and Area Planning.** Session Laws of North Carolina 1957 (H. B. No. 1233, ratified June 12, 1957). The act creates the Western North Carolina Regional Planning Commission, whose membership is composed of representatives designated by the counties and municipalities outlined in the act. The commission is empowered to prepare a regional development plan which shall embody the policy recommendations of the commission in regard to the physical development of the region and con-

tain recommendations for such topics as land use, population, circulation pattern for transportation and community facilities; the location of public and private works and facilities which effect the whole region.

See also paragraph A.3, above.

**D. State Planning.** Session Laws of North Carolina 1957 (H. B. No. 400, ratified June 4, 1957). This act provides for the creation of a Division of Community Planning within the Department of Conservation and Development (Gen. Stats. N. C., Section 113-15.1). The Division is authorized "To provide planning assistance to cities and other municipalities in the solution of their local planning programs. Planning assistance . . . shall consist of making population, land use, traffic, parking and economic base studies of the community, developing plans based thereon to guide public and private development and other planning work of a similar nature. Planning assistance shall also include the preparation of proposed subdivision regulations, zoning ordinances, and similar measures which may be recommended for the implementation of such plans."

**E. Federal Assistance for Local Planning.** The Division of Community Planning is specifically authorized to accept and expend Federal funds with an appropriation provision for matching the Federal grant.

The West North Carolina Regional Planning Commission is specifically authorized to accept and expend Federal funds. See also paragraph A.3, above.

# North Dakota

**A. Municipal Planning.** 1. The Urban Planning Statute. North Dakota Revised Code of 1943, including 1953 Supplement, Volume 4, Chapters 40-48, Sections 40-4801-40-4838. This statute was originally enacted in 1929.

2. Localities Where Applicable. This statute applies to any municipality (the term being defined generally to include cities, towns, and villages) and to land outside thereof which in the judgment of the planning commission bears a relation to the planning of the municipality.

3. Powers Conferred. The statute confers powers on any municipality to establish an official master plan of the municipality, by ordinance of its governing body.

"... Such plan shall be final and conclusive with respect to the location and width of streets, ways, plazas, open spaces, and public easements, and the location of parks and playgrounds, and the establishment of public rights in lands shown thereon. The official master plan is declared to be established to conserve and promote the public health, safety, and general welfare of the municipality.

"The governing body of any municipality may create, by ordinance, a planning commission to consist of five members to be appointed by the executive officer of the municipality with the approval of its governing body. The executive officer, the engineer, and the attorney of the municipality shall be ex officio members of the commission."

4. The General City Plan. "The planning commission shall make and adopt a master plan for the physical development of the municipality and of any land outside its boundaries which, in the commission's judgment, bears a relation to the planning of the municipality. Such plan, with accompanying maps, plats, charts, and descrip-

tive matter, shall show the commission's recommendations for the development of the territory, including:

"1. The general locations, character, and extent of streets, waterways, water fronts, playgrounds, plazas, squares, and open spaces, parks, aviation fields, and other public ways and grounds;

"2. The general location of public buildings and other public property;

"3. The general location and extent of public utilities and terminals whether publicly or privately owned or operated;

"4. The removal, relocation, widening, narrowing, vacation, abandonment, change of use, or extension of any of the foregoing ways, grounds, open spaces, buildings, property, terminals, or utilities; and

"5. Other matters authorized by law.

\* \* \*

"In the preparation of the master plan, the planning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, best will promote the amenities of life, health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, the adequate provision of public utilities and other public requirements, the improvement and control of architecture, and

the general embellishment of the area under its jurisdiction."

5. Legal Status of Plan. "Whenever a planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction, or of a part thereof, and shall have filed a certified copy of such plan in the office of the register of deeds of the county in which such territory or part is located, no plat of a subdivision of land within such territory or part thereof shall be filed or recorded until it shall have been approved by such planning commission and such approval shall have been entered in writing on the plat by the chairman or secretary of the commission.

\* \* \*

"After the planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction, or of any part thereof, no building shall be erected on any lot within such territory or part, nor shall a building permit be issued therefor, unless the street giving access to the lot upon which it is proposed to place such building shall have been accepted or opened as is provided in section 40-4824. Any building erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and to be removed."

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. State Planning.** No specific provision.

**E. Federal Assistance for Local Planning.** Among the miscellaneous powers of the municipal planning commission is the power to "accept and use gifts for the exercise of its functions." (Section 40-4814 (2)).

# Ohio

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Page's Ohio Revised Code Annotated, including 1956 Supplement, Title 7, Chapter 713, Sections 713.01-713.27, and S. B. No. 21 (app. May 28, 1957). This statute was originally enacted in 1923.

2. **Localities Where Applicable.** This statute applies to any city or village and to land outside thereof which in the judgment of the planning commission bears relation to the planning of the municipality.

3. **Powers Conferred.** The statute confers power on any municipality to make, amend, extend or add to or carry out a municipal plan, as defined below, and to create a planning commission with duties and powers authorized in the statute.

The planning commission is also authorized to carry on all of the duties and powers of the planning commission. (Sections 735.17-735.26.) It is also authorized to adopt a plan for dividing the municipal corporation into zoning districts and to impose and enforce zoning regulations.

4. **The General City Plan.** The commission "shall make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which, in the opinion of the commission, is related to the planning of the municipal corporation, and make changes in such plans or maps when it deems it advisable. Such maps or plans shall show the commission's recommendations for the general location, character and extent of streets, alleys, ways, viaducts, bridges, waterways, waterfronts, subways, boulevards, parkways, parks, playgrounds, aviation fields and other public grounds, ways and open spaces; the general location of public buildings and other public property; the general location

and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use of or extension of such public ways, grounds, open spaces, buildings, property, utilities or terminals. With a view to the systematic planning of the municipal corporation, the commission may make recommendations to public officials concerning the general location, character and extent of any said public ways, grounds, open spaces, buildings, property, utilities or terminals. . . ."

5. **Legal Status of Plan.** "Whenever the commission shall have made a plan of the municipality, or any portion thereof, no public building or structure, street, boulevard, parkway, park, playground, public ground, canal, river front, harbor, dock, wharf, bridge, viaduct, tunnel or other public way, ground or works or utility, whether publicly or privately owned or part thereof shall be constructed or authorized to be constructed in the municipality or said planned portion of the municipality until and unless the location, character and extent thereof shall be approved by the commission: . . ."

**B. County Planning.** County planning commissions and regional planning commissions are authorized by the statute cited in paragraph A.1, above, to make plans and maps of the county or region, respectively, showing the commission's recommendations for systems of transportation, highways, park and recreational facilities, the water supply, sewerage and garbage disposal, civic centers and other public improvements which affect the development of the region or county as a whole or more than one political unit within the region

or county which do not begin and terminate within the boundaries of any single municipal corporation.

(a) **Counties**—"The board of county commissioners of any county may, and on petition of the planning commissions of a majority of the municipal corporations in the county having such planning commission shall, provide for the organization and maintenance of a county planning commission. . . ."

(b) **Regions**—"The planning commission of any municipal corporation or group of municipal corporations, and the board of county commissioners of any county in which such municipal corporation or group of municipal corporations is located or of any adjoining county may co-operate in the creation of a regional planning commission. . . ."

The regional or county planning commission shall certify a copy of the regional or county plan to the planning commission of each municipal corporation in the region or county, and the local planning commission may adopt such plan as its own.

**C. Regional, Metropolitan, and Area Planning.** See paragraph B, above.

**D. State Planning.** No specific provision.

**E. Federal Assistance for Local Planning.** A regional and county planning commission "may accept, receive and expend funds, grants and services from the federal government and its agencies, from departments, agencies and instrumentalities of State and local government, or from civil sources, and contract with respect thereto and provide such information and reports as may be necessary to secure such financial aid." (Sections 713.21 and 713.22.)

# Oklahoma

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Oklahoma Statutes Annotated (Permanent Edition), including 1956 and January 1957 Supplements, Title 11, Chapter 7, Sections 421-425. The statute was originally enacted in 1923.

2. **Localities Where Applicable.** This statute applies to any city or town and apparently has no extraterritorial effect.

3. **Powers Conferred.** The statute confers power upon the planning commission "to prepare from time to time plans for the systematic development and betterment of the municipality as a place of residence or for business."

The City Planning Commission, which serves without pay, consists of not less than five citizens, all of whom shall reside in the municipality and shall be nominated by the Mayor, and confirmed by the legislative body of the city or town, each for a term of three years.

4. **The General City Plan.** "The said city planning commission may consider and investigate any subject matter tending to the development and betterment of such municipality, and make recommendations as it may deem advisable concerning the adoption thereof, to any department of the municipal government, and for any purpose, make, or cause to be made, surveys, maps or plans. Before final action shall be taken by any municipality or department thereof, on the location and design of any public building, statue, memorial, park, parkway, boulevard, street and alleys, playgrounds, public grounds, or bridge, or the change in the location of any street, alley, or the grade thereof, such question shall be submitted to the City Planning Commission for investigation and report."

5. **Legal Status of Plan.** Criminal sanctions, including both fine and imprisonments, are provided for those convicted of violating the provisions of the statute.

**B. County Planning.** Oklahoma Statutes An-

notated (Permanent Edition), including 1956 and January 1957 Supplements, and as amended by H. B. No. 800 (app. April 18, 1957) Title 19, Chapter 19A, Sections 863.1-863.43 and 865.1-865.23). Sections 863.1 to 863.24 apply to counties containing a city of 180,000 to 240,000 population. It provides for the establishment of a cooperative, city-county planning commission, which shall consist of twelve members and be designated "Metropolitan-Area Planning Commission."

"The Commission shall make, adopt, and may publish an official master plan of the municipality, the five mile perimeter area immediately surrounding such municipality, which, for the purpose hereof, is defined to be an area five miles in width around the city limits of such municipality as such limits now exist or may hereafter be extended, and of the rest of the unincorporated area of the county, for the purpose of bringing about a coordinated physical development in accordance with the present and future needs of such area. The master plan shall be developed so as to conserve the natural resources of the area, to insure efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area and the State. Such master plan may include, among other things, studies and recommendations relative to the location, character, and the extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, parks, parkways, airports, forests, wildlife refuges, dams and projects affecting conservation of natural resources, and studies and recommendations for an annual budget and long-range financial program for public improvements. The Commission may also perform in the area any additional urban planning which is needed, including but not limited to surveys, land use studies, urban renewal plans, technical services, and other planning work."

Sections 865.1 to 865.23 apply to counties having a population in excess of two hundred forty thousand. The county planning commission, composed of seven members, has generally the same powers concerning the master plan as those conferred on counties having a city of 180,000 to 240,000 population.

Session Laws of Oklahoma 1957, Chap. 19A (H. B. No. 905, app. May 31, 1957), provides for the establishment of a city-county cooperative planning commission for purposes of city-county planning and zoning within a county in which there is a city of 15,000 to 100,000 and counties with a population of 25,044. The commission, designated "Metropolitan Area Planning Commission," is to prepare a comprehensive plan for the metropolitan area. It is specifically authorized to accept Federal funds.

Session Laws of Oklahoma 1957, Chap. 19Aa (H. B. No. 974, app. June 7, 1957), establishes in each county with a population of 25,000 to 28,000 a county planning commission, consisting of five members. It shall adopt a comprehensive plan for property usage and types of improvements in specific zones or areas throughout the State.

**C. Regional, Metropolitan, and Area Planning.** Oklahoma Statutes Annotated (Permanent Edition), including 1956 and January 1957 Supplements, Title 19, Chapter 19, Sections 854.1-854.9. This statute authorizes the establishment of a regional planning commission by a city or town of 10,000 or more within a county of not less than 32,800. The commission is composed of the membership of the city planning commission, and, as ex officio members, the mayor, chairman of the board of county commissioners, and the city and county engineers. Its jurisdiction extends three miles from the incorporated limits of the city or town.

**D. State Planning.** Oklahoma Statutes Annotated, including 1956 and January 1957 Supplements, Title 74, Sections 844.26 (a)-(e). The

Division of Planning and Administration in the Oklahoma Planning and Resources Board is authorized to prepare and adopt an official State plan for the physical development of the State. Such an official plan shall show the Board's recommendations for the development of the State, and may include among other things, the general location, character and extent of highways, waterways, public buildings, drainage and sanitary systems, parks, utilities, facilities, which by reason of their functions, size, extent, location, legal

status or other reason, fall within the province or jurisdiction of State bodies or State officials or which for any other reason are appropriate subjects of, or fall appropriately within, the scope of a State, as distinguished from a local, program or plan.

The Board may, upon request of a city or county, make a study of and report on any planning problem therein.

**E. Federal Assistance for Local Planning.**  
A Metropolitan-Area Planning Commission (see

listings and citations at paragraph B, above) "may contract for, receive, and utilize any grants, or other financial assistance, from the United States or from any other source, public or private, in furtherance of its functions, and may incur necessary expenses in obtaining said grants, and/or financial assistance, within the limits of its appropriation; and shall receive and disburse such grants and/or other financial assistance in such manner as may be agreed upon by the Board and Council."

# Oregon

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Oregon Revised Statutes, including 1955 Replacement Parts, Title 20, Chapter 227, Sections 227.010-227.150. This statute was originally enacted in 1919.

2. **Localities Where Applicable.** This statute applies to any incorporated city or town in the State of Oregon and to an area six miles beyond the city limits.

3. **Powers Conferred.** The statute authorizes the establishment of a planning commission by any incorporated city or town for the purpose of making recommendations and suggestions to the city council and all other public authorities concerning plans for the development of the city or town.

"The commission shall consist of the mayor, the city attorney, the city engineer, ex officio, and of seven other members to be appointed by the mayor, not more than two of whom shall be non-residents of the city."

4. **The General City Plan.** While no general or comprehensive plan is specifically authorized by the statute, its language would seem to be broad enough to permit the authorized "recommendations" of the commission to be submitted to the city council in the form of a comprehensive development plan.

The commission may: "(1) Recommend and make suggestions to the city council and to all other public authorities concerning laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones of districts limiting the use, height, area and bulk of buildings and structures.

"(2) Recommend to the city council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public

and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities.

"(3) Recommend to the city council and all other public authorities plans for the promotion, development and regulation of the industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.

"(4) Advertise the industrial advantages and opportunities of the municipality and the availability of real estate within the municipality for industrial settlement.

"(5) Encourage industrial settlement within the municipality.

"(6) Make an economic survey of present and potential possibilities of the municipality with a view to ascertaining its industrial needs.

"(7) Study the needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions.

"(8) Do and perform all other acts and things necessary or proper to carry out the provisions of [this act].

"(9) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of said city, and of the area six miles adjacent thereto."

5. **Legal Status of Plan.** The planning commission is only authorized to make recommendations and suggestions, hence the statute does not provide for a legal status of a general plan even though it appears that the city council could adopt recommendations in the form of a comprehensive plan.

**B. County Planning.** Oregon Revised Statutes, including 1955 Replacement Parts, Title 20, Chapter 215, Sections 215.010-215.190. This statute authorizes any county through its governing body to create a county planning commission and to appoint, as its members, five, seven or nine persons for four year terms.

The commission shall make and adopt a development pattern, which with accompanying maps and charts shall show the commission's recommendations for the physical and economic development of the county.

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. State Planning.** See paragraph E, below.

**E. Federal Aid for Urban Planning.** Section 251.260 of Title 251 (Higher Education Generally) provides as follows: "The State Board of Higher Education may, upon the request of the governing body of any municipality or county or of a regional or joint planning agency in the state:

(1) Provide planning assistance to such municipality, county or planning agency (including surveys, land use studies, urban renewal plans, technical services and other planning work) and to make or assist in making a study or report upon any planning problem of such municipality, county or planning agency.

(2) Agree with such governing body or planning agency as to the amount to be paid to the board for such service.

(3) Apply for and accept grants from the Federal Government and other sources in connection with any such assistance, study or report.

(4) Contract with respect thereto."

Compare Section 227.150 for a provision allowing the municipal planning commission to recommend acceptance of Federal funds.



# Pennsylvania

**A. Municipal Planning.** 1. **The Urban Planning Statutes.** (a) Cities of the First Class, Purdon's Pennsylvania Statutes Annotated, including 1955 and October 1956 Supplements, Title 53, Chapter 80, Section 2929. This statute was originally enacted in 1919.

(b) Cities of the Second Class, Title 53, Chapter 48, Sections 9161-9190. This statute, as now amended, was originally enacted in 1927.

(c) Cities of the Second Class-A, Title 53, Chapter 68, Sections 10721-10729. This statute, as now amended, was originally enacted in 1911.

(d) Cities of the Third Class, Title 53, Chapter 99A, Sections 12198-4001-12198-4006. This statute, as now amended, was originally enacted in 1931.

(e) Townships, Title 53, Article XXXII, Chapter 111, Sections 19092-3201-19092-3203. This statute, as now amended, was originally enacted in 1931.

(f) Boroughs, Title 53, Article XI, Chapter 100, Sections 13251-13256. This statute, as now amended, was originally enacted in 1927.

2. **Localities Where Applicable.** (a) Cities of the First Class.—The statute applies to any first class city (defined as one with a population of 1,000,000 or more inhabitants) and to "adjacent territory beyond the city limits."

(b) Cities of the Second Class.—The statute applies to any second class city (defined as one with a population of 500,000 to 1,000,000 inhabitants) and to land outside the city limits which, in the commission's judgment, bears relation to the planning of the city.

(c) Cities of the Second Class-A.—The statute applies to any second class-A city (defined as one with a population of 135,000 to 500,000) and to land 3 miles beyond the city limits.

(d) Cities of the Third Class.—The statute applies to any city of the third class (defined as one

having less than 135,000 inhabitants) and to land 3 miles beyond the city limits.

(e) Townships.—The statute applies to townships of all classes in the State.

(f) Boroughs.—The statute applies to any borough and 3 miles beyond the borough limits.

3. **Powers Conferred.** (a) Cities of the First Class.—Any city of the first class is authorized to create a planning commission which, under the terms of the statute, may exercise general and customary planning powers within the defined area, but no express power is granted to prepare and adopt a general or master city plan.

(b) Cities of the Second Class.—The statute authorizes city planning commissions and grants them the powers to make and adopt municipal plans.

(c) Cities of the Second Class-A.—The statute creates a department of city planning, which is "in charge of a city planning commission, consisting of nine persons."

(d) Cities of the Third Class.—This statute creates a city planning commission with limited planning powers.

(e) Townships.—This statute authorizes township planning commissions, consisting of five members, with limited planning powers.

(f) Boroughs.—The statute creates a department of borough planning, which is in charge of a borough planning commission, consisting of five persons, with limited planning powers.

4. **The General City Plan.** (a) Cities of the First Class.—No express provision, but see paragraph 3 (a), above.

(b) Cities of the Second Class.—The commission may make and adopt a master plan and exercise broad planning powers in doing so.

(c) Cities of the Second Class-A.—Powers of the planning commissions of these cities are limited and quite similar to those of first class cities as stated in paragraph 3 (a), above.

(d), (e), and (f) Cities of the Third Class, Townships, Boroughs, respectively—No express provision, but see paragraphs 3 (d), 3 (e), and 3 (f).

5. **Legal Status of Plans.** The only statute that refers to this topic is the one relating to cities of the second class. It provides as follows:

"Whenever the commission shall have adopted the master plan of the city, or of any division thereof, no street, square, park or other public way, ground or open space or public building or structure or public utility, for which a franchise may hereafter be granted by the proper municipal authorities, whether publicly or privately owned, shall be constructed or authorized in the city, unless the location and general extent conform thereto: Provided, In case the said proposed street, square, park or other public way, ground or open space, or public building or structure or public utility, as aforesaid, does not conform to said master plan, and the city planning commission, upon application to it, shall refuse to alter said master plan so as to permit said street, square, park or other public way, ground or open space or public building or structure or public utility, as aforesaid, the said city planning commission shall refer the same to the council, together with its reasons for disapproval, and the council shall have power to overrule said disapproval by a majority vote of its entire membership. The failure of the commission to act within sixty days from and after the date of official submission to the commission shall be deemed approval."

**B. County Planning.** Purdon's Pennsylvania Statutes Annotated (1956), Title 16, Article XX (a), Sections 1-2001-1-2011. This statute was enacted in 1955 and applies to all counties except those of the first and second class. There are similar provisions for second class counties (Title 16, Sections 5201-5211).

County Planning functions are authorized to be performed by county planning commissions. The

nine member commission prepares maps of the county, including the territory extending three miles beyond the county limits; controls the subdivision of land located within the county limits; makes recommendations to the county commissioners concerning highways, public improvements, location and distribution of streets, railroads, waterways, etc.

**C. Regional, Metropolitan, and Area Planning.** Purdon's Pennsylvania Statutes Annotated, Pamphlet October 1956, Title 53, Article II, Sections 2900.201-2900.207. This statute was enacted in 1956.

"It shall be the function and duty of every regional planning commission to prepare a master plan, and the surveys and studies essential thereto, for the guidance of the physical development of the region.

"Every regional planning commission shall encourage the cooperation of the political subdivisions [defined to include county, city, borough,

and township] within the region in matters which concern the integrity of the master plan or maps prepared by the commission and, as an aid toward coordination, all political subdivisions and public officials shall, upon request, furnish to the regional planning commissions within a reasonable time the available maps, plans, reports, statistical or other information it may require for its work."

Provision is also made for interstate participation.

**D. State Planning.** Purdon's Pennsylvania Statutes Annotated, including 1955 and October 1956 Supplements, Title 71, Sections 1049.1-1049.11. This statute authorizes the State Planning Board to prepare plans or programs for the physical and economic development of the State. The board may advise with local authorities and individuals with a view to the coordinating of all physical and economic development plans including plans for highways, parks, land use, recreation areas, and such other things as are related to an

ordered and comprehensive development of the State, its agencies and political subdivisions. But compare Sections 751-1 of Title 71 for the provisions of the reorganization plan, which transferred certain functions to the Department of Commerce.

Furthermore, under the "Commerce Law," Title 71, Section 1709-3 (13), the Department of Commerce is authorized "To provide planning assistance and to do planning work, including surveys, plans, technical services and other elements of comprehensive planning programs, in and for any counties, cities, boroughs, townships, towns or regions and, for this purpose to accept and utilize any funds, personnel or other assistance made available by the Federal Government. . . ."

**E. Federal Assistance for Local Planning.** See paragraph D, above. Similar authority to accept Federal grants exists for a county planning commission, Section 1-2001 (g), and for a regional planning commission, Section 2900.203 (b).

# Puerto Rico

**A. Municipal Planning.** 1. **The Land Planning Statute.** Laws of Puerto Rico Annotated, including 1954-55 Supplement, Title 23, Part 1.

2. **Localities Where Applicable.** The master plan applies to the "urban, suburban, and rural parts of the island, but the master plan of Puerto Rico need not include minor resources, uses, or facilities which are of a strictly local character." The statute provides further that the "Board may at its own discretion prepare a separate master plan for the possible and advisable development of any municipality or its urban area, which may include resources, uses or facilities not included in the master plan of the Commonwealth."

3. **Powers Conferred.** The statute creates the Puerto Rico Planning Board to be composed of three members appointed by the Governor by and with the advice and consent of the Senate. The Board is directed to prepare and adopt, after due notice and public hearing, a master plan for the development of the Commonwealth; and it may prepare a separate master plan for the development of any municipality or its urban area.

The Board is empowered to adopt zoning regulations for urban districts (Section 9), and subdivision regulations (Section 10), and building regulations (Section 43). Furthermore, the Chairman of the Planning Board appoints and controls the Permit Official, who issues permits necessary for the use of lands and buildings. (Section 24.) Rural and agricultural areas, except those areas which the Board determines form

part of the future urban development of a town, are not subject to the regulations of the Bureau of Permits; nevertheless, the Planning Board is empowered "to prepare surveys or plans with regard to said areas not urbanized, for the exclusive information of the Governor of Puerto Rico, the Legislature of Puerto Rico, and the general public. (Section 30.)"

4. **The General Plan.** (a) Section 8 provides that the master plan "shall show, with any accompanying maps, charts and explanatory matter, the Board's recommendations for the development of Puerto Rico and may include the general location, character, and extent of the land, minerals, water, vegetation, and animal life and their present and possible future utilization for mining, power, irrigation, flood control, navigation, drainage, domestic and industrial uses of water, fishing, recreation and the general welfare; and of residential, commercial, recreational, manufacturing, transportation, communication, institutional, governmental, and public-utility facilities and operations by whatever desirable categories, and their possible future utilization and development for these or other purposes and for the general welfare."

For the purpose of effectuating the master plan or any part thereof, the statute authorizes the Board to "adopt, in such detail as may be appropriate, projects for the rehabilitation, clearance, or rehabilitation and reconstruction of slum districts; housing developments; neighborhood units; land

and utility projects; the redevelopment of blighted, decaying, or obsolete areas; the development of industrial towns, sanitary districts; drainage districts; reclamation districts; soil conservation districts; water supply districts; water power districts; irrigation districts; or other special purpose types or classes or districts." (Section 12.)

5. **Legal Status of Plan.** Section 23 represents a detailed provision as to the legal status of the master plan.

**B. Local Planning.** "The Board is hereby authorized to create, for any municipality, on petition of the mayor of the corresponding municipality, a local Planning Commission, composed of seven (7) members, all residents of such municipality, of which not more than five (5) shall belong to the same political party. The commissioners shall be appointed by the Board and shall hold office in accordance with such regulations as the Board may adopt on the matter.

Any Local Planning Commission thus created shall advise the Board, either when consulted by it, or on its own initiative, with respect to any planning problems in its municipality. The commission shall advise the mayor of the municipality, when consulted by him, with respect to any planning or municipal problems.

The Local Planning Commission shall keep the corresponding mayor and Municipal Assembly duly informed of all recommendations made by it to the Board." (Section 29.)

# Rhode Island

**A. Municipal Planning.** 1. **The Urban Planning Statute.** (a) General planning provisions—General Laws of Rhode Island (1938), Chapter 329, Sections 10 and 11. This statute was originally enacted in 1926.

(b) Special planning statute—Public Laws of Rhode Island (1940), Chapter 847, Sections 1-13. This statute was originally enacted in 1940.

2. **Localities Where Applicable.** (a) General urban planning provisions—They are applicable to any city or town apparently with no extraterritorial effect.

(b) Special urban planning statute—This statute applies only to the City of Newport and apparently has no extraterritorial effect.

Furthermore, special authority is granted to specified towns for the establishment of town planning boards. For example, the Town of Bristol (Public Laws of R. I. (1949-1950), Chapter 2528); the Town of West Warwick (Public Laws of R. I. (1951), Chapter 2687); the Town of Westerly (Public Laws of R. I. (1953-1954), Chapter 3181).

3. **Powers Conferred.** (a) General urban planning provisions—"Any city or town may create a planning board for the purpose of making studies of the resources and needs of any such town, with reference to its physical growth and development as affecting the health, safety, morals and general welfare of the people and the economy and efficiency of communal life. In cities such boards shall be appointed by the mayor, subject to the confirmation by the city council, and in towns shall be elected at the annual financial town meeting."

(b) Special urban planning statute—"This statute creates a city planning board of the City of Newport, consisting of "nine members, namely, the chief executive officer of the city, a member of the representative council appointed by the chairman, the commissioner of public works and members appointed by the chief executive officer of the city."

The planning board is required to make and

adopt a master plan, as defined below, for the physical development of the City of Newport.

4. **The General City Plan.** (a) General urban planning provisions—There is no specific provision for a master or general city or town plan.

(b) Special urban planning statute—"It shall be the duty of the planning board to make and adopt a master plan for the physical development of the city which shall show the board's recommendations for the general location, relocation and improvement of any public buildings, parks, squares, playgrounds and other public grounds; streets, parkways, bridges and other public ways and building lines. . . .

"In the preparation of the master plan, the planning board shall keep itself informed of the progress of city planning in other cities, and shall make comprehensive surveys and studies of the existing conditions and probable future growth of the city and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, or the general welfare, as well as efficiency and economy in the process of development."

5. **Legal Status of Plan.** (a) General urban planning provisions—No provisions.

(b) Special urban planning statute—"Whenever the planning board shall have adopted a master plan for the city or any section of such plan, no street, square, parkway, bridge or other public way, park, playground or other public open space and no public building or public structure shall be constructed or authorized in any portion of the city included in the master plan as adopted, until the location, character and extent thereof shall have been submitted to and approved by the board or by the representative council as provided herein. The failure of the board to pass upon any submitted proposal within thirty days from the date of formal submission thereof to the board shall

constitute approval thereof. In case of disapproval the board shall communicate its reasons to the representative council and the representative council may, by a vote of not less than two-thirds of its entire membership taken within two months of the date of such disapproval by the planning board, overrule such disapproval and its action shall be forthwith certified to the planning board by the city clerk."

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. State Planning.** Public Laws of R. I. (1951), Chapter 2732, Section 5. The powers of the former State Planning Board (General Laws of R. I. (1938), Chapter 13, Sections 1-6) are transferred to the Rhode Island Development Council, whose general purpose is to guide and accomplish a coordinated and efficient development of the State.

The State Planning Board's authorization empowers it to prepare a master plan for the State; to prepare and make maps for the information of the Governor, the legislature and State departments, cities, towns and other agencies; to make planning studies and surveys for the collection of data pertaining to land use and classification, population, parks, playground development, traffic, transportation, building and housing conditions, homestead and slum clearance, subdivision control and other matters involved in the physical development of the State or of any subdivisions thereof.

**E. Federal Assistance for Local Planning.** Public Laws of R. I. (1953-1954), Chapter 2732, Section 28B. "In general, the [R. I. development] council shall have such powers as may be appropriate to promote state, regional and metropolitan planning and development and carry out the purposes of this act. In addition to the powers conferred by this chapter the council is authorized and empowered to accept any grants made available by the United States government. . . ."

# South Carolina

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Code of Laws of South Carolina (1952), including 1956 Supplement, Title 47, Chapter 9, Sections 47-1021-47-1055.

2. **Localities Where Applicable.** This statute applies to any municipality and its environs in the State.

3. **Powers Conferred.** The statute confers powers on any municipality to create by ordinance a planning commission, consisting of not more than nine members which "shall make or cause to be made, and adopt a master city plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of such municipality."

4. **The General City Plan.** "In the preparation of such master plan, the commission shall make, or cause to be made, careful, and comprehensive surveys and studies of present conditions and trends of future growth of the municipality, and shall also give due regard to the relation of the municipality to any neighboring territory. The plan shall be made and used for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development or redevelopment of the municipality and its environs which will, in accordance with present and future needs, best promote the public health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development or redevelopment, including adequate provision for traffic, the promotion of safety from fire or other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements."

5. **Legal Status of Plan.** "Whenever the commission shall have adopted the master plan of the

municipality or of one or more sections or districts thereof, no new street, square, park, or other public way, grounds or open spaces, public building, structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section or district until the location, character and extent thereof shall have been submitted to and approved by the commission. . . ." The city council can overrule the planning commission's disapproval by a two-thirds vote of its members.

5a. Code of Laws of South Carolina (1952), including 1956 Supplement, Title 47, Chapter 9, Sections 47-1061-47-1094. Cities having a population of 15,250 to 16,000 inhabitants according to the 1940 Federal census are granted virtually the same planning powers as listed above. The general plan embraces similar elements and its legal status is essentially the same. These sections existed before the provisions listed in paragraph 1, above, applied to all municipalities.

Sections 47-1101-47-1113 are special ones, applicable to the cities of Aiken and North Augusta.

5b. Code of Laws of South Carolina (1952), including 1956 Supplement, Title 47, Chapter 6.1, Sections 47-690-47-690.253, esp. Subd. XI. This statute applies to cities of 7,000 to 9,000 and 9,500 to 12,000 inhabitants according to the 1950 Federal census, which adopt the council-manager form of municipal government. A city planning and zoning commission is authorized with specific provisions for a master plan, its legal status, etc.

**B. County Planning.** Code of Laws of South Carolina (1952), including 1956 Supplement, Title 14, Chapter 8, Sections 14-251-14-284. Certain county and regional planning activities are authorized by a 1942 statute (limited, however, to counties having a city with a population of more than 70,000). The county planning board may, by ordinance of any municipality, act as the official planning board of the municipality.

"In each such county, the governing body may appoint a board of five members known as the county planning board. . . ."

"If the governing body of any such county so desire, it may, instead of appointing a planning board for the county, form a regional planning board in conjunction with the governing authorities of another county or counties and thereupon may delegate to such regional planning board any or all of the powers and duties which under the terms of this article are conferred on the county planning board."

"In each such county, the governing body may divide the unincorporated portions of the county into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this chapter and within such districts they may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures and the use, conditions or use or occupancy of land and in that case may adopt official zoning regulations, including a map or maps, indicating the districts. But the regulations in one district may differ from those in other districts."

"The planning board shall study the resources, possibilities and needs of the county and shall prepare a master plan and maps for the systematic future development of the county and from time to time in the manner herein provided make such recommendations to the governing body of the county as may be deemed advisable."

Sections 14-391 through 14-399.6 are provisions authorizing the creation of a county planning commission in "any county in which there is a sudden influx of large numbers of prospective inhabitants."

Sections 14-400.30 through 14-400.390 grant authority for planning and development commissions to specific counties.

**C. Regional, Metropolitan, and Area Planning.** See paragraph B, above.

D. State Planning. Code of Laws of South Carolina (1952), including 1956 Supplement, Title 9, Chapter 4, Sections 9-301—9-312. The former State Planning Board has been abolished; its functions are performed by the Department of

Development. Among other things, it is to insure the correlation of county and city plans into a master plan designed to consider the needs of the State; to cooperate with planning authorities of the United States and of neighborhood States; to

accept gifts, grants, funds, property or services for the purpose of accomplishing its objectives.

E. Federal Assistance for Local Planning. See paragraph D, above.

# South Dakota

**A. Municipal Planning.** 1. **The Urban Planning Statute.** South Dakota Code of 1939, including 1952 Supplement, Title 45, Sections 45.3301-45.3317. This statute was originally enacted in 1949.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include any incorporated city or town) and to land outside thereof which in the judgment of the planning commission bears relation to the planning of the municipality.

3. **Powers Conferred.** This statute confers powers on any municipality to make, adopt, amend, extend, add to or carry out a general municipal or master plan of development and to create by ordinance a planning commission of the particular city or town, with duties and powers as authorized in the statute. Appropriations may be made to cover expenditure of the planning commission.

The commission shall consist of not less than five members, appointed by the mayor and confirmed by the council or governing body of the city or town.

4. **General City Plan.** "It shall be a function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of the boundary and within its planning jurisdiction which, in the commission's judgment, bear relation to the planning of the municipality. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for the said physical development, and may include

among other things, the general location, character, and extent of streets, bridges, viaducts, parks, parkways, waterways and waterfront developments, playgrounds, airports, and other public ways, grounds, places and spaces; the general location of public schools, of public buildings and other public property; a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density as may be provided by law; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication, and other purposes; the acceptance, widening, removal, extension, location, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, building, properties, utilities, or terminals; the general location, character, layout, and extent of community centers and neighborhood units, and the general character, extent, and layout of the replanning of blighted districts and slum areas. The commission may from time to time amend, extend, or add to the plan or carry any part of subject matter into greater detail."

5. **Legal Status of Plan.** "Whenever any such plan commission shall have adopted the master plan of the municipality or any part thereof, then and thenceforth no street, park, or other public way, ground, place, or space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the master plan or any adopted part thereof shall be constructed

or authorized in the municipality or within its platting jurisdiction as defined in Section 11 hereof, until and unless the location and extent thereof shall have been submitted to and approved by the plan commission, provided that in case of disapproval, the commission shall communicate its reasons to the council, and the council, by vote of not less than two-thirds of its entire membership, shall have the power to overrule such disapproval and, upon such overruling the council or the appropriate board or officer shall have the power to proceed. . . ."

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. State Planning.** South Dakota Code of 1939, including 1952 Supplement, Title 55, Sections 55.5401-55.5404. This statute establishes a commission which is to investigate and report on the natural and economic resources of the State and to encourage the location of new industrial enterprises in the State. It is also to "formulate and adopt a plan or plans for the coordinated development, conservation and use of these resources in ways that will promote and advance the economic welfare of the people of the State; such plan or plans, as far as may be desirable and practicable, to be coordinated with the planning and development programs of cities, counties and areas in South Dakota, with national planning and development, and with the planning and development of other states."

**E. Federal Assistance for Local Planning.** No specific provision.



# Tennessee

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Tennessee Code Annotated, including 1956 Supplement, Title 13, Sections 13-501—13-508. This statute was enacted in 1935.

2. **Localities Where Applicable.** This statute applies to any municipality (the term not being defined, but apparently intended to include cities and towns) and to any area outside thereof which in the judgment of the planning commission bears relation to the planning of the municipality.

3. **Powers Conferred.** The statute confers powers on any municipality to create a planning commission with the duties and power to make and adopt an official general plan for the municipality. It is also empowered to make recommendations relating to the general plan to public officials and agencies, public utility companies, to civic, educational, professional and other organizations and to citizens.

The planning commission shall consist of not less than five members and not more than ten members, the number to be determined by the legislative body. One of the members shall be the chief executive officer of the municipality (whether designated mayor, manager or other title), and one of the members shall be a member of the legislative body of the municipality selected by such legislative body. All other members shall be appointed by such chief executive officer. All members of the commission shall serve as such without compensation.

4. **The General City Plan.** "It shall be the function and duty of the commission to make and adopt an official general plan for the physical development of the municipality, including any area outside of its boundaries which, in the commission's judgment, bears relation to the planning of the municipality. The plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for the said physical develop-

ment, and may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, play-grounds, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication and other purposes; also the removal, relocation, widening, extension, narrowing, vacating, abandonment, change of use or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities; also a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises and of population density; also the general location, character, layout and extent of community centers and neighborhood units; also the general location, character, extent and layout of the replanning of blighted districts and slum areas. The commission may from time to time amend, extend or add to the plan or carry any part or subject-matter into greater detail."

5. **Legal Status of Plan.** "Whenever the commission shall have adopted the plan of the municipality or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the municipality until and unless the location and extent thereof shall have been submitted to and approved by the planning commission. . . . The chief legislative body of the municipality can overrule the planning commission's disapproval by a vote of the majority of its members."

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** Tennessee Code Annotated, including 1956

Supplement, Title 13, Sections 13-201—13-212. This statute establishes the powers, functions and organizational rules of regional planning commissions. It is the State Planning Commission, however, which creates, defines the boundaries, and appoints the members of such regional commissions. There is also provision for the creation by the State Planning Commission of "community planning commissions." There must first be a petition requesting such a commission by at least 100 householders of the unincorporated community and second, the region, which is established, may not exceed 10 square miles in area.

"It shall be the function and duty of a regional planning commission to make and adopt a general regional plan for the physical development of the territory of the region. Any such plan shall include the planning of municipal territory to the extent which, in the commission's judgment, the same is related to the planning of the region as a whole; provided, however, that the plan shall not be deemed an official plan or part of the official plan of any municipality having a municipal planning commission unless adopted as such by said municipal planning commission. The board of aldermen or commissioners or other chief legislative body of any municipality may designate the regional planning commission of a region in which such municipality is located as the planning commission of such municipality, and, in the event of such designation, the regional planning commission shall have such powers regarding the planning of the municipality and the plan of the municipality made and adopted by the regional planning commission shall have the same force and effect as provided by law for municipal planning commissions and municipal plans. . . ." The plan, with the accompanying maps, plats, and descriptive matter, shall show the commission's recommendations concerning, among other things, land use zoning, transportation, streets, housing, etc.

ate Planning. Tennessee Code Annotations including 1956 Supplement, Title 13, Sections 101-13-114. This statute creates a State Planning Commission of nine members, namely,

the Governor and eight citizens of the State appointed by him. It is to adopt a general State plan for the development of the State; to advise and cooperate with the local planning commissions

and to provide coordination between the State and local plans and development.

**E. Federal Assistance for Local Planning.**  
No specific provision.

# Texas

Texas does not have general laws authorizing the establishment of local, county, or State planning agencies. (While one statute (Vernon's Texas Civil Statutes, including 1956 Supplement, Title 128, Chapter 8, Article 8197e) provides for a "Texas Planning Board" for State purposes, its duties and powers pertain almost exclusively to natural resources, and its existence had a terminal date.)

City planning commissions are authorized by the charters of individual cities. (See *Clesi v. Northwest Dallas Imp. Assn.*, Civ. App., 263 S. W. 2d 820, 829 (1953), where Section 225 of the Dallas City Charter is cited as creating a City Plan Commission.) There are numerous references in the State statutes to city plan commissions; for example, Article 974a, where plats of subdivisions must be "approved by the City Planning Commission of any city affected by this Act, if said city have a City Planning Commission . . ."; Article 1269k, Section 13, where "All

housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances, and regulations applicable to the locality in which the housing project is situated . . ."; Article 1011f, where it is stated that "Where a city plan commission already exists, it may be appointed as the Zoning Commission."

Joint municipal planning is authorized by House Bill No. 660 (app. May 9, 1957). This statute authorizes municipalities, which includes home rule charter cities, towns, and villages, located within an area wherein the sphere of zoning influence of each municipality is adjacent to the other to form a joint planning commission for the joint planning of the growth and development of the area. The joint planning commission is empowered to prepare an organized master plan, including highway design, street layout, park layout, schooling areas, residential areas, business, commercial and industrial areas, water reservoir areas;

and to make aerial photographs, land surveys, and topography studies to facilitate such planning.

With respect to accepting Federal funds for planning purposes H. B. No. 434 (app. April 29, 1957), provides: "The State Department of Health is hereby authorized, upon the request of the governing body of any municipality having a population of twenty-five thousand or less in this State: (a) to arrange planning assistance, (including surveys, urban renewal plans, technical services and other planning work) and to arrange for the making of a study or report upon any planning problem of such municipality, submitted to the State Department of Health . . .; (b) to agree with such governing body as to the amount, if any, to be paid to the State Department of Health for such service, and (c) to apply for and accept grants from the Federal Government or other sources in connection with any such assistance, study, or report, and to contract, with respect thereto."

**Municipal Planning.** 1. **The Urban Planning Statute.** Utah Code Annotated (1953), including 1955 Supplement, Title 10, Chapter 9, Sections 10-9-19—10-9-30. This statute was originally enacted in 1945.

**Localities Where Applicable.** This statute applies to any city or town and to land outside thereof which in the judgment of the planning commission bears relation to the planning of the municipality, provided, however, that such action taken with the concurrence of the county or other municipal legislative body concerned.

**Powers Conferred.** This statute confers powers on any city or town to make and adopt a master plan for the physical development of such city or town, and to create a planning commission with powers and duties authorized by the statute. The term of members, mode of appointment, and details relating to the organization and procedure may be determined by the governing body of the city or town.

**The General City Plan.** "It shall be the action and duty of the planning commission, after holding public hearings, to make and adopt and certify to the legislative body, a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of the municipality. Where a plan involves territory outside the boundaries of the city, action shall be taken with the concurrence of the county or other municipal legislative body concerned. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the said physical development, and may include, among other things, the general location and extent of streets. The planning commission may from time to time amend, extend or add to the plan or carry any part or subject matter into greater detail.

\* \* \*

"The planning commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, other organizations and citizens. It may recommend to the executive or legislative officials programs for public improvements and the financing thereof. The planning commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning."

The statute uses very broad language such as a direction to the planning commission to make "recommendations" and to certify to the legislative body a master plan "for the physical development of the municipality" without attempting to indicate the specific matters to be included in the plan.

**5. Legal Status of Plan.** "Whenever the legislative authority of the municipality shall have adopted the master plan of the municipality or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to said plan or shall have been submitted to and approved by the planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the legislative body and such body by a vote of not less than a majority of its entire membership, shall have the power to overrule such disapproval, and upon such overruling, the legislative body or the appropriate board or officer shall have the power to proceed. . . ."

**B. County Planning.** Utah Code Annotated (1953), including 1955 Supplement, Title 17,

Chapter 27, Sections 17-27-1—17-27-8. The board of county commissioners of any county is empowered by statute to appoint an unpaid planning commission of seven members (except that the county commissioners constitute the planning commission in counties of 15,000 or less).

"It shall be the function of a county planning commission to make and adopt a master plan for the physical development of the unincorporated territory of the county. Any such plan may include the planning of incorporated areas to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole; provided, however, that the plan shall not be deemed an official plan or part of the official plan of any municipality unless adopted by the municipal planning commission thereof. The master plan of a county, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character and extent of streets or roads, viaducts, bridges, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, properties, utilities, or terminals; the general character, location, and extent of community centers, town sites or housing developments; the general location and extent of forest, and open development areas for purposes of conservation, and water supply, sanitary and drain-

ge facilities, or the protection of urban development."

**C. Regional, Metropolitan, and Area Planning.** The "Municipal Planning Enable Act," cited in paragraph A.1, above, provides at Section 0-9-27 as follows:

"In any municipality other than cities of the first class [90,000 or more inhabitants] or second class, [15,000 to 90,000 inhabitants], located in a county or region which has a planning commis-

sion, the legislative body of said municipality may designate such county or regional planning commission as the municipal planning commission of said municipality. In acting as the planning commission of the municipality, the designated county or regional planning commission shall follow the procedure specified by the provisions of this act and other laws relating to municipal planning commissions. Any municipality so designating a county or regional commission as its plan-

ning commission as is hereby authorized to and shall pay to the designated planning commission that portion of the expenses of the designated commission which is properly chargeable to the said planning service rendered to and for the said municipality."

**D. State Planning.** No specific provision.

**E. Federal Assistance for Local Planning.** No specific provision.

# Vermont

1. **Municipal Planning.** 1. **The Urban Planning Statute.** Vermont Statutes (Revision of 1971), Title 15, Chapter 170, Sections 3812-3815. This statute was originally enacted in 1921.

2. **Localities Where Applicable.** This statute applies to any municipality (which term, though not defined in this statute, is defined by a general statutory provision (Chapter 1, Section 24) to include a city, town, or incorporated village) and apparently has no extraterritorial effect.

3. **Powers Conferred.** "A municipality is hereby authorized to create a municipal planning commission. Such commission shall consist of five persons. The mayor, chairman of the board of selectmen, president of the village or chairman of a board of village trustees, as the case may be, shall be ex officio one of the members during his term of office. The other four commissioners shall be appointed in cities by the mayor; in towns by the board of selectmen; and in villages, by the village trustees."

The statute authorizes such planning commission to adopt a comprehensive plan.

Laws of Vermont, 1953, No. 74, pp. 50-61. This statute enlarges the powers of a planning commission. "In municipalities which have adopted an official municipal plan as provided in section 3815 of the Vermont Statutes, Revision of 1947, the city council, selectmen, or village trustees, as the case may be, may by ordinance or resolution, authorize and empower the planning commission to approve subdivision or area development plans showing new streets or highways."

4. **The General City Plan.** The statute provides only that the planning commission shall have power, except as otherwise provided by law, to adopt a comprehensive plan for the future development of the municipality.

The planning commission is authorized to prepare and recommend to the proper officials of the municipality amendments to the official municipal plan from time to time; and to recommend the adaptation of ordinances, for the division of the municipality into districts or zones based upon the height, ground area and use of buildings and structures "as may be consistent with existing law."

5. **Legal Status of Plan.** "When such plan shall be adopted by the voters of a municipality, it shall be known and designated as the official municipal plan. No highway, street, bridge, viaduct, park, playground, square, statue, monument, street fixture, park fixture, sewerage system, water system, public building, or any other public improvement proposed to be erected or constructed wholly or in part from public funds and not included in such plan as adopted by the municipality, shall be authorized to be erected or constructed within the municipality until the location of the same has been submitted to the planning commission."

The local governing body can overrule the planning commission's disapproval by a majority vote of its members.

B. **County Planning.** No specific provision.

C. **Regional, Metropolitan, and Area Planning.** Laws of Vermont 1957 (S. B. No. 97, app.

June 29, 1957). This statute authorizes two or more towns and/or cities and/or villages to cooperate in the creation of a regional planning commission for any region agreed upon by the cooperating political subdivisions.

"It is the function and duty of the regional planning commission to make a master plan and such surveys and studies as may be essential thereto for the physical development of the region. Such master plan shall include all the elements of physical development that may be locally important and desirable. The regional planning commission may perform planning which includes but is not limited to surveys, land use studies, urban renewal plans, technical services and other planning work designed to prevent the spread of slums and blight. The regional planning commission is authorized to accept and expend grants from the federal government and other public or private sources."

D. **State Planning.** Vermont Statutes, Revision of 1947, Title 29, Chapter 272, Sections 6242-6246. This statute authorizes the Vermont Development Commission to give assistance upon request in planning to commissions of municipalities and other political subdivisions of the State, as well as to nongovernmental organizations.

E. **Federal Assistance for Local Planning.** "The [Vermont Development] commission is authorized to accept in the name of the State, special grants of money and services from the federal government. . . ."

See also paragraph C, above.

# Virgin Islands

A. Municipal Planning. 1. The Land Planning Statute. Virgin Islands Code, Annotated, Title 29, Sections 221-227.

2. Localities Where Applicable. This statute applies to any portion of the Virgin Islands.

3. Powers Conferred. "The Virgin Islands Planning Board shall prepare comprehensive and general plans for the physical development of those areas of the Virgin Islands for which Master Plans have not already been adopted by the appropriate legislative body. Such plans shall be known as Master Plans and shall be so prepared that any portion thereof may be adopted by the Legislature as the basis for the development of the Virgin Islands."

The board is further empowered to adopt zoning regulations; such regulations are subject to the approval of the Legislature and of the Governor.

4. The General City Plan. The Master Plans, with any accompanying maps, charts, and explanatory matter, as may be deemed necessary, shall be prepared with the general purpose

of guiding and accomplishing a coordinated, adjusted and harmonious development which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity or the general welfare of the inhabitants as well as efficiency and economy in the process of development. It will include, among other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, domestic and industrial uses of water, power, irrigation and drainage, as will tend (a) to create conditions favorable to health, safety, transportation, prosperity, civil activities and recreational, educational, and cultural opportunities; (b) to improve residential, commercial, recreational, manufacturing, communication, transportation, institutional, governmental and public utility facilities, and operations by whatever desirable categories; (c) to reduce the waste of physical, financial or human resources which result from either excessive congestion or excessive scattering of population; and

(d) the possible future utilization and development for those and other purposes and for the general welfare.

5. Legal Status of Plan. The statute provides: "The Master Plan shall be at the disposal of Municipal and Federal officials, as well as private citizens. Upon approval of such Master Plan or any zoning regulations, the Municipal Council may make provision for their effective enforcement."

E. Federal Assistance for Local Planning. Sections 251 through 253 empower the Virgin Islands Planning Board to accept and expend grants from the Federal Government available under the Housing Act of 1954. The board is authorized to provide planning assistance to any political subdivision of the Virgin Islands and, within its territorial jurisdiction, to perform planning work for the Virgin Islands as a whole, any individual island or group of islands, or any metropolitan or regional area within the Virgin Islands.



# Virginia

**1. Municipal Planning.** 1. **The Urban Planning Statute.** Code of Virginia (1950), Volume 1956 Replacement, Title 15, Chapter 25, Article Sections 15-899—15-914. This statute was originally enacted in 1934.

**2. Localities Where Applicable.** This statute applies to any municipality (which term is defined to include cities and incorporated towns) and is to be construed so as to affect property beyond corporate limits of the municipality, except as specifically allowed by other laws.

**3. Powers Conferred.** The statute confers powers on any municipality to make, adopt, amend, extend, add to or carry out a municipal planning commission, consisting of not less than five nor more than seven members, with appropriate powers and duties as authorized in the statute. Upon mutual agreement, a town council may have the planning commission of the county in which the town is situated serve as its planning commission.

**4. The General City Plan.** "A municipal planning commission shall make and adopt a master plan for the physical development of the municipality. Such plan with the accompanying maps, plats, charts and descriptive matter shall show the planning commission's recommendations for the development of the territory covered by the plan, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, water fronts, beaches, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces and the general location of public buildings and other public property. It shall also show the planning commission's recommendations for the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of existing ways, grounds, open spaces, buildings, property, utilities or terminals, as well as a zoning plan for the control of the height, area, bulk, location and

use of buildings and premises. In preparing a zoning plan, the planning commission shall perform all the functions of a zoning commission as now provided by law and the zoning plan and ordinance shall be adopted and be operative in the manner as now provided by law. When no art commission or similar body exists the planning commission may be granted by council the power to control, preserve and care for historical landmarks; to control the design and location of statutory and owner works of art, which are or may become the property of the municipality and the removal, relocation and alteration of any such works belonging to the municipality; and to make suggestions concerning the designs of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances. As the work of the whole master plan progresses, a planning commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or geographic or topographical divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The commission may from time to time amend, extend or add to the plan."

**5. Legal Status of Plan.** "Whenever the planning commission shall have adopted a master plan for the municipality or one or more parts, sections or divisions thereof, and the master plan or part thereof shall have been approved by the council of the municipality, and it has been filed with the court clerk, then and thereafter no street, square, park or other public way, ground or open space, public building or structure, shall be constructed or authorized in the municipality or in the planned section or district thereof until and unless the general location, character and extent thereof has been submitted to and approved by the municipal planning commission; and no public utility, whether publicly or privately owned, which is not subject to zoning control as now provided by law, shall be constructed or author-

ized in the municipality or in the planned section or district thereof, until and unless the reasonable and general location, but not its character and extent, has been submitted to and approved by the municipal planning commission; provided that in case of disapproval the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the planning commission to act within sixty days from and after the date of the official submission to it shall be deemed approval. . . ."

**B. County Planning.** Code of Virginia (1950), Volume 3, 1956 Replacement, Title 15, Chapter 25, Article 3, Sections 15-915-926. This statute authorizes the board of county supervisors of any county to create and appoint such a commission consisting of not less than five nor more than fifteen members.

"A county planning commission shall make and adopt a master plan for the physical development of the unincorporated territory of the county. Any such plan may include the planning of incorporated towns to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole, provided, however, that the plan shall not be considered as a master plan for any incorporated town without the consent of the planning commission and the council of such incorporated town, and provided further that the county plan shall be coordinated with the plans of the State Department of Highways, insofar as it relates to highways or thoroughfares under the jurisdiction of that department."

**C. Regional, Metropolitan, and Area Planning.** Code of Virginia (1950), Volume 3, 1956 Replacement, Title 15, Chapter 25, Article 1, Sections 15-819.1—15.891.9. This statute empowers the governing body or bodies of any municipality or county or of any group of these to cooperate in

the creation of a regional planning and economic development commission for any region agreed upon with governing bodies of other counties and municipalities, or among themselves as a group. The cooperating governing bodies determine the term, method of appointment and removal of members of the commission (with limited exception made by the statute), who serve without compensation but with payment of expenses incurred.

It is the duty of a regional planning and economic development commission to make and adopt a regional plan for the physical, economic and social development of the region, but the plan shall not be deemed an official plan or part of the official plan of any municipality or county having a planning commission unless adopted as such by the planning commission of the municipality or county, and any adoption by a municipality or county must be in the manner prescribed by law

for municipalities and counties, respectively, as to such matter.

Metropolitan Commissions are authorized by Sections 15-927 through 15-936. Certain counties and cities or towns, as defined in the statute, may combine to form such metropolitan commissions. Its powers are based on the contractual arrangements made with the governing bodies of the counties, cities, towns, or school boards of the respective political subdivisions for the performance of such governmental services and functions as may be lawfully delegated to it. Further, it is directed to cooperate with other regional commissions.

**D. State Planning.** Code of Virginia (1950), Volume 3, 1956 Replacement, Title 10, Chapter 8, Sections 10-118—10-126. Under the Department of Conservation and Development the Division of Planning and Economic Development is author-

ized to collect and correlate information relating to the development of the State and the conservation of its human and other natural resources, and to "prepare a synopsis of planning work in Virginia already accomplished," encourage and aid the organizing of local and intrastate regional planning boards, and "cooperate with county, city, town and regional planning boards, federal planning agencies and other State planning boards. . . ."

**E. Federal Assistance for Local Planning.** The director of the division of planning and economic development is "authorized to accept any funds which may be given or granted to it." (And see Sections 2-3 and 2-4 of the Code which represent a very general authorization for the State agencies and institutions to accept Federal funds and to apply them to purposes within their functions.)

# Washington

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Revised Code of Washington, including 1955 Supplemental Sheets, Title 35, Sections 35.63.010—35.63.120. This statute was originally enacted in 1935.

2. **Localities Where Applicable.** This statute applies to any city (defined to include "every incorporated city and town") and any municipality (defined to include "every county and city") and apparently has no extraterritorial effect.

3. **Powers Conferred.** The statute confers powers on any city, town or county to provide for the preparation by its planning commission and the adoption and enforcement of coordinated plans for the physical development of the municipality.

"If any council or board desires to avail itself of the powers conferred by this chapter it shall create a city or county planning commission consisting of from three to twelve members to be appointed by the mayor or chairman of the municipality and confirmed by the council or board. . . ."

4. **The General City Plan.** "The council or board may provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical development of such municipality. For this purpose the council or board, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals and the general welfare, upon recommendation by its commission, by ordinance or resolution may regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set-back of buildings along highways, parks or public water frontages; and the subdivision and development of land. . . ."

"All such regulations shall be worked out as

parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage, and other public uses and requirements."

5. **Legal Status of Plan.** The planning commission submits recommendations, which are adopted in the form of an ordinance or resolution.

**B. County Planning.** See paragraph A.2, 3, and 4, above.

**C. Regional, Metropolitan, and Area Planning.** The statute cited in paragraph A.1, above, also applies to certain regions. (Section 35.63.070.)

"The commissions of two or more adjoining counties, together with the boards of such counties may cooperate in the formation of a regional planning commission for the making of a regional plan for the region defined as may be agreed upon by the commissions and boards. The regional commission when requested by the commissions of its region or by the state council, may further perform any of the other duties for its region that are specified in RCW 35.63.060 for city and county commissions. The number of members of a regional commission, their method of appointment and the proportion of the cost of such regional planning, surveys and studies to be borne respec-

tively by the various counties in the regions, shall be such as may be agreed upon by commissions and boards."

Laws 1957, Chapter 213, (S. B. No. 136, app. March 22, 1957). This statute authorizes the creation of metropolitan municipal corporations in any area of the state containing two or more cities, at least one of which is a city of the first class. A metropolitan municipal corporation, when authorized by the qualified voters residing in the metropolitan area, is empowered to perform any one or more of the following (1) metropolitan sewage disposal, (2) metropolitan water supply, (3) metropolitan public transportation, (4) metropolitan garbage disposal, (5) metropolitan parks and parkways, (6) metropolitan comprehensive planning. With respect to its planning functions it is to prepare a recommended comprehensive land use and capital facilities plan for the metropolitan area; to review proposed zoning ordinances and resolutions or comprehensive plans for component cities and counties; to provide planning services for component cities and counties upon request and upon payment therefor by the cities or counties receiving such service.

**D. State Planning.** Laws 1957, Chapter 157. "The department of conservation and development, through the division of progress and industry development, in order to facilitate state, municipal, urban, metropolitan and regional planning, and to encourage such areas to maintain a continuing and adequate program for such planning, shall coordinate established city and town, county, metropolitan and regional planning commissions, and shall aid such planning bodies in securing planning assistance, consultative services and technical aid, which may include surveys, land use, demographic and economic studies, comprehensive plans, urban renewal plans and other plans. The department, through the division, shall serve generally as a consultative, coordinating and ad-

visory agency for State departments or agencies, and/or municipal, urban, metropolitan and regional planning commissions."

**E. Federal Assistance for Local Planning.**  
"The director [of conservation and development], through the division [of progress and industry development], may accept contributions, grants, or other financial assistance from the government of the United States for, or in aid of, any plan-

ning program. The director shall promulgate such rules and regulations, enter into such agreements, prescribe such conditions, perform such other lawful act as may be necessary or desirable to secure the financial aid and cooperation of the government of the United States and local planning bodies to implement any planning program."

"A metropolitan municipal corporation [see paragraph C, above] may contract with the

United States or any agency thereof, any State or agency thereof, any other metropolitan municipal corporation, any county, city, special district, or governmental agency for the operation by such entity of any facility or the performance of any service which the metropolitan municipal corporation may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties."

# West Virginia

**A. Municipal Planning.** 1. **The Urban Planning Statute.** West Virginia Code of 1955 Annotated, including 1956 Supplement, Chapter 8, Article 5, Sections 521-525. This statute was originally enacted in 1922.

2. **Localities Where Applicable.** This statute applies to any municipality (which term is defined to include any incorporated city, town, or village) and to land outside thereof which in the opinion of the planning commission bears relation to the planning of the municipality.

3. **Powers Conferred.** The statute confers power upon any municipality to appoint a municipal planning commission.

"The municipal planning commission shall consist of not less than five citizens, all of whom shall be taxpayers and residents, who shall be nominated by the mayor and confirmed by the legislative body of the town."

4. **The General City Plan.** "The duties of the commission shall be to prepare plans for the development of the whole or any portion of the municipality and of any land outside of the municipality which, in the opinion of the commission, bears relation to the planning of the municipality: Provided, however, that the power of the municipal planning commission shall not extend beyond the territorial limits of the municipality except so far as is reasonably necessary to protect

the community, both within and without the corporate limits, against inadequate streets, highways and sewers, and inadequately planned and zoned territory: Provided further, that when two or more municipal corporations in close proximity might otherwise have conflicting jurisdiction under this section, the first municipal corporation to exercise such extraterritorial jurisdiction shall thereby acquire exclusive jurisdiction over such territory. Such plans shall show recommendations for new streets, bridges, parks, parkways, playgrounds and any other public areas or public improvements. Whenever the commission shall have agreed upon a plan for the development of the municipality or any portion thereof, such plan or plans shall be submitted to the mayor and council for their consideration and action.

"Before final action shall be taken by any municipality or department thereof on the location and design of any public building, public memorial, street, park, parkway, playground or other public area, such question shall be submitted to the municipal planning commission for investigation and report."

5. **Legal Status of Plan.** While the statute makes no specific reference to legal status of the plan, certain approval of lands, plats, replats, and streets must be secured from the mayor and city council, after having been submitted to the planning commission for its consideration.

**B. County Planning.** No specific provision.

**C. Regional, Metropolitan, and Area Planning.** No specific provision.

**D. State Planning.** West Virginia Code of 1955 Annotated, Chapter 29, Article 10, Sections 2836 (9)-2836 (19). This statute creates a State Planning Board with power to prepare and from time to time perfect a State master plan for the physical, social and economic development of the State, and shall prepare and keep current a proposed long-term program of major State improvements relating to comprehensive development of the natural and artificial resources of the State. The board also may, and, at the request of the Governor, shall advise with the various Federal, State, and local authorities as to ways and means of coordinating all plans for the physical development of the State, including plans for highways, parkways, parks, land use, recreation area, and any other plans, projects, or programs that may be related to State planning.

**E. Federal Assistance for Local Planning.** The State Planning Board is authorized "to accept and use funds provided for the purposes of the article by the government of the United States in accordance with Federal requirements and under such conditions as the Laws of this State may provide."

# Wisconsin

**A. Municipal Planning.** 1. **The Urban Planning Statute.** Wisconsin Statutes (1955), Chapter 62, Sections 62.23 (1) (a)—62.23 (6) (h). While Wisconsin enacted planning laws as early as 1909, this more comprehensive and modern statute was enacted in 1941.

2. **Localities Where Applicable.** This statute applies to any city (and under Chapter 61, Section 61.35 any village) and to land outside thereof which in the judgment of the planning commission bears relation to the planning for the city, but such outside land may not be included if within the jurisdiction of another planning agency without approval of the county board of supervisors.

3. **Powers Conferred.** This statute confers duties and powers on any city or village to make and adopt a master plan, as defined below, and the power to create by ordinance a planning commission of the particular city or village with duties and powers authorized in the statute.

The city planning commission consists of the mayor, city engineer, the president of the park board, an alderman, and three citizens. Comparable officers and three citizens comprise the village planning commission. Each such commission is required to have, at all times, seven members. Citizen members serve without compensation. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

4. **The General City Plan.** "It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment bear relation to the development of the municipality provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a municipality may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying

maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads, street railways and busses, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan. The commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record."

5. **Legal Status of Plan.** There is a detailed provision requiring the governing body to refer to the city plan commission for its consideration such matters as the location and architectural design of public buildings, plats of land, slum clearance projects, etc.

**B. County Planning.** There is no statute applicable generally to counties; there is, however, authorization for the creation of county rural planning committees. Wisconsin Statutes (1955),

Chapter 27, Section 27.015. Rural planning is defined as "planning for the health, general welfare, and amenity of the settler." The committee is authorized to make plans and maps for proposed projects, such as parks, the location and design of public buildings and memorials; its power is to make recommendations to the county board on matters relating to rural planning.

In every county having a population of 150,000, and in any other county where the county board has provided for a park commission, the county park commissioners, seven in number, are authorized to carry on planning activities and provide for "a comprehensive county park system, and a county system of streets and parkways." Wisconsin Statutes (1955), Chapter 27, Section 27.04.

**C. Regional, Metropolitan, and Area Planning.** Wisconsin Statutes (1955), Chapter 66, Section 66.945. "A regional planning commission may be created by the governor, or such state agency as he may designate, upon petition in the form of a resolution by the legislative body of a local governmental unit. Such a petition shall evidence the existence of an unmistakable interest in a regional planning commission and demonstrate the need for such a commission. The governor, or his designee, after receipt of such a petition, and upon finding that there is a need for a regional planning commission, shall create the regional planning commission by order and shall designate the area and boundaries of such a commission's jurisdiction taking into account the elements of homogeneity based upon, but not limited to, such considerations as topographic and geographic conformations, extent of urban development, . . . [etc.] The governing body of any local governmental unit may elect that such unit shall not be included within the jurisdiction of any regional planning commission, by resolution adopted by such governing body and filed with the governor or his designee."

It is the commission's duty to prepare and adopt a master plan for the physical development of the region.

Chapter 236, Section 236.46 provides for regional planning to regulate subdividing and platting of lands. "The county planning agency may prepare regional plans, in such units as it may determine, for the future platting of lands within the county, but without the limits of any municipality, or for the future location of streets or highways or parkways, and the extension, or widening of existing streets and highways."

The town board is empowered, pursuant to Chapter 60, Section 60.29 (41), "to act jointly with other municipalities in the area to establish

and maintain a regional planning program to protect the health, safety and general welfare of the town as part of the region, and to make payments out of the general fund for the pro rata share of the cost of such program."

**D. State Planning.** Wisconsin Statutes (1955), Chapter 15, Section 15.845. This statute creates within the bureau of engineering a State planning division. Among its other powers is the power "to co-operate with all county, city, town and village commissions, boards or committees, charged with the responsibility of planning or zoning certain areas or districts within their respective corporate limits, to the end that the pur-

pose of the State planning statute may be carried out. All such commissions, boards, or committees shall cooperate with the State planning board to the same end."

\* \* \*

"To do work to facilitate urban planning for smaller communities lacking adequate planning resources [etc.] as provided by S. 701, Title VII, Urban Planning and Reserve of Public Works, . . ." Housing Act of 1954.

**E. Federal Assistance for Local Planning.** See paragraph D, above. See also Chapter 20, Section 20.350 (45) for equally specific authorization.



# Wyoming

Wyoming has enacted no general municipal, regional, or State planning laws. There is provision, however, in Chapter 26, Sections 26-1101 through 26-1109 of the Wyoming Compiled Statutes Annotated (1945), including the 1955 Sup-

plement, for the creation of county planning commissions. Despite the name, the authorization relates primarily to zoning, for the commission "is authorized and empowered to provide for the physical development of the unincorporated territory

within the county by zoning of all or any part of such unincorporated territory in the manner herein provided."

# Planning Cases

**Mansfield and Sweet v. Town of West Orange**, 120 N. J. L. 145, 198 Atl. 225 (1938). This was an action to review a resolution of the planning board in rejecting a subdivision development plan under its statutory power to approve plats.

In a comprehensive opinion the Supreme Court of New Jersey made several statements concerning the exercise of the planning function—

“While planning and zoning are sometimes considered so closely of kin as to constitute a single conception, they do not cover identical fields of municipal endeavor. Although municipal planning embraces zoning, the converse of the proposition does not hold true. They are obviously not interchangeable terms. Zoning may not entirely exclude planning, but it obviously does not embrace planning in its entirety.”

After defining the term “zoning,” the court continued—

“Planning, on the other hand, is a term of broader significance. It connotes a systematic development contrived to promote the common interest in matters that have from the earliest times been considered as embraced within the police power. Under the cited statute, . . . the planning board is charged with the duty of adopting ‘a master plan for the physical development of the municipality,’ . . .

\* \* \*

“Planning confined to the common need is inherent in the authority to create the municipality itself. It is as old as government itself; it is of the very essence of civilized society. A comprehensive scheme of physical development is requisite to community efficiency and progress.

\* \* \*

“Housing, always a problem in congested areas affecting the moral and material life of

the people, is necessarily involved in both municipal planning and zoning. And it is essential to adequate planning that there be provision for future community needs reasonably to be anticipated. We are surrounded with the problems of planless growth.

\* \* \*

“Such subdivision must necessarily be in harmony with the master plan, and in conformance with the specific requirements of the statute.”

**Seligman v. Belknap**, 288 Ky. 133, 155 S. E. 2d 735 (1941). This case involved the interpretation of the city and regional planning and zoning statute pertaining to cities of the first class. In its opinion the Court of Appeals of Kentucky said:

“ . . . The statute recognizes the distinction between regional planning and municipal zoning. This recognition is not only by the mechanical structure of the act but by its terms as well. ‘Planning’ and ‘zoning’ are closely related, for, in a general way, planning embraces zoning and zoning may not entirely exclude planning. However, they do not cover identical fields of municipal endeavor for the protection of the common interest and the promotion of general welfare. Broadly speaking, ‘planning’ connotes the systematic development of an area with particular reference to the location, character and extent of streets, squares, parks and to kindred mapping and charting. ‘Zoning’ relates to the regulation of the use of property—to structural and architectural designs of buildings; also the character of use to which the property or the buildings within classified or designated districts may be put.

“Logically, the one statute enables the municipal government to provide for the two related regulations and places the right of

recommending and the power of administering them in one body, subject to prescribed limitations.”

**Grosso v. Board of Adjustment**, 137 N. J. L. 630, 61 A. 2d 167 (1948). This case relates to a question of the effect of zoning regulations, but in the course of its opinion, the Supreme Court of New Jersey said:

“City or town planning is a constitutional concept. . . . Municipal planning, in a word, is the accommodation, through unity in construction, of the variant interests seeking expression in the local physical life to the interest of the community as a social unit. Planning is a science and an art concerned with land economics and land policies in terms of social and economic betterment. The control essential to planning is exercised through government ownership or regulation of the use of the locus.”

**Ridgefield Land Co. v. City of Detroit, et al.**, 241 Mich. 468, 217 N. W. 58 (1928). In considering the question of whether a subdivision plat had to conform to the general city plan, the Supreme Court of Michigan stated:

“It thus appears that the common council, which is the governing body referred to in the statute, has power to adopt a general plan for the width of streets and to refuse to approve any plan which does not conform thereto. It adopted such a plan. This plan, called the ‘master plan,’ was prepared by the city plan commission and rapid transit commission in collaboration with the road commissions of Wayne, Oakland, and Macomb counties and the authorities of the included municipalities. It was adopted by resolution of the common council of the city of Detroit on April 14, 1925.”

**Headley v. City of Rochester**, 272 N. Y. 197, N. E. 2d 198 (1936). This was an action to have

determined whether an ordinance and map and plan adopted by the City of Rochester was unconstitutional and void, as depriving complainant of his property without the payment of compensation.

In considering this question the Court of Appeals of New York said:

"The mere adoption of a general plan or map showing streets and parks to be laid out or widened in the future, without acquisition by the city of title to the land in the bed of the street, can be of little benefit to the public if the development of the land abutting upon and in the bed of the proposed streets proceeds in a haphazard way, without taking into account the general plan adopted and, especially, if permanent buildings are erected on the land in the bed of the proposed street which would hamper its acquisition or use for its intended purpose. So long as the owners of parcels of land which lie partly in the bed of streets shown on such a map are free to place permanent buildings in the bed of a proposed street and to provide private ways and approaches which have no relation to the proposed system of public streets, the integrity of the plan may be destroyed by the haphazard or even malicious development of one parcel or tract to the injury of other owners who may have developed their own tracts in a manner which conforms to the general map or plan.

"By its adoption of the general map or plan, the city has given notice that at some future time, if present anticipations are realized, it intends to widen the two streets upon which the plaintiff's property abuts.

\* \* \*

"Certainly it cannot be said that owners of property do not receive any benefit from the adoption of general maps or plans for the development of city streets, if they can develop their land with some assurance that other owners will not be permitted to frustrate the plan, maliciously or unreasonably.

Whether the state may impose conditions for the issuance of permits in order to protect the integrity of the plan of a city where it appears that such conditions interfere with a reasonable use to which the land would otherwise be put or diminishes the value of the land should not now be decided. Without proof that the imposition of such conditions has deprived an owner of land of some benefit he would otherwise derive from the land, there can be no deprivation of property for which compensation should be made."

*State ex rel. Bateman v. Zachritz*, 135 Ohio St. 580, 22 N. E. 2d 84 (1939). The sole question presented in this case was whether a majority vote or a two-thirds vote of the city council was required for passage of a resolution of cooperation with the Federal Government under a particular plan submitted to and disapproved by the local planning commission.

With regard to planning, the Supreme Court of Ohio said:

"The official plan of Cincinnati, adopted in 1925 by the planning commission, shows that all the streets in the suburb of California appearing thereon are duly dedicated and accepted streets. That the plans for the flood wall project require the narrowing and vacating of some of these streets appears from the following quotation from the agreed statement of facts.

\* \* \*

"The city planning commission, therefore, had power to act, unless the charter provision under which it attempted to act is unconstitutional.

\* \* \*

"Cincinnati is a charter city and as such derives its power direct from the state Constitution. In adopting a charter a municipality may make any one or more of its boards the repository of legislative power. The charter does confer general legislative power

upon the council but at the same time confers certain power and authority upon the planning commission. It is difficult to see upon what theory there was an unconstitutional delegation of legislative power to the planning commission. The commission's report shows that what that body disapproved was not only the resolution but also the plan submitted therewith."

*Wetherill v. Pennsylvania R. Co.*, 195 Pa. 156, 45 A. 658 (1900). The sole question presented in this case was whether striking a street from the city plan in compliance with a city ordinance was a legal vacation of the street.

With regard to the community planning function, the Supreme Court of Pennsylvania stated:

". . . The control of city plans as to streets and of the streets themselves, their number, location, courses, and lines, grades, etc., is, in its nature, a legislative function.

\* \* \*

"A plan, in the sense here used, is a plot or survey indicating the number, names, and locations of streets, their lines and courses, widths, grades, etc., as they are or are to be laid out and opened on the land, including all particulars germane to the general subject. The power to make or revise such a plan necessarily includes the power to change, substitute, add to, or omit any of the constituent parts of the subject matter included. When, therefore, in obedience to the authority and direction of councils, a street is stricken off the city plan by the department, it has no longer any warrant for existence as a public street."

*Lionshead Lake, Inc. v. Wayne Township*, 10 N. J. 165, 89 A. 2d 693 (1952); appeal dismissed 344 U. S. 919 (1953). Prior history of the case includes: 8 N. J. Super. (Law Div.) 468, 73 A. 2d 287 (1950); 9 N. J. Super. (App. Div.) 83 (1950); 13 N. J. Super. (Law Div.) 490, 80 A. 2d 650 (1951). Law review commentary re-

sulting from this case includes 66 Harv. L. Rev. 1051 (1953); 67 *id.* 967, 986 (1954). In issue was the validity of a zoning ordinance which imposed minimum living-floor space requirements for dwellings.

"The Township of Wayne is still for the most part a sparsely settled countryside with great natural attractions in its lakes, hills and streams, but obviously it lies in the path of the next onward wave of suburban development. Whether that development shall be 'with a view of conserving the values of property and encouraging the most appropriate use of land throughout such municipality' and whether it will 'prevent the overcrowding of land and buildings' and and 'avoid undue concentration of population' depends in large measure on the wisdom of the governing body of the municipality as expressed in its zoning ordinance. It requires as much official watchfulness to anticipate and prevent suburban blight as it does to eradicate city slums." Vanderbilt, C. J.

"The Township of Wayne is a sprawling residential municipality which is sparsely populated and largely undeveloped. Like many North Jersey communities it is fertile territory for extensive development; unlike less fortunate communities it is still in a position to plan and control its development and avoid the ravages which may be observed

in unplanned and unsightly urban, and occasional suburban, municipalities." Jacobs, J. (concurring).

**West Bros. Brick Co., Inc., v. City of Alexandria**, 196 Va. 271, 192 S. E. 881 (1937). This action was brought to test the constitutionality of a zoning ordinance, but in passing upon that question the Supreme Court of Appeals of Virginia said in regard to the community planning function:

"That territory south of the Potomac and contiguous to Washington has in recent years witnessed extraordinary developments. The time is not distant when Alexandria and Arlington County will constitute one urban community, and for this city planning is not only desirable but necessary. Zoning ordinances are devices of recent invention and are intended to conserve those elements which make life livable."

**Mogilner v. Metropolitan Plan Commission of Marion County**, 140 N. E. 2d 220 (Ind. 1957). This case upheld as constitutional an act creating a single planning department for the county in which Indianapolis is the principal city. In the one department there is provision for a master plan, zoning and subdivision control. The purpose of the act is formally stated as follows:

"In counties containing first class cities, the problems created by expanding urbanization

have made the unification of the planning and zoning functions a necessity if the health, safety, morals, economic development and general welfare of the area is to be insured. In order to achieve this unification of planning and administration the legislature hereby establishes a single planning and zoning authority in such counties."

**Miller v. City of Beaver Falls**, 368 Pa. 189, 82 A. 2d 34 (1951). In this case the court declared unconstitutional a city ordinance, which gave the City Council a three year locus penitentie (to change its mind or pay) in taking private property for a park. See also *Windsor v. Whitney*, 95 Conn. 357, 111 Atl. 354, 64 A. L. R. 546 (1929). In the *Miller* case, the court said:

"Planning the future development or the building of a City Utilitarian and Beautiful, for present and future generations, has become the fashion of the day. There is no doubt that parks have a beneficial effect on public health and public welfare and their establishment and maintenance is certainly desirable. Moreover, the public interest should be favored over private interests whenever reasonably possible, if and when they conflict. However, it must not be forgotten that all acts of the legislature and of any governmental agency are subordinate to the Constitution, which is the Supreme Law of the land . . . ."